

SPECIAL REPORT
OF THE
ATTORNEY-GENERAL
OF THE
State of California
RAILROAD TAX CASES AND RAILROAD TAXATION
1893

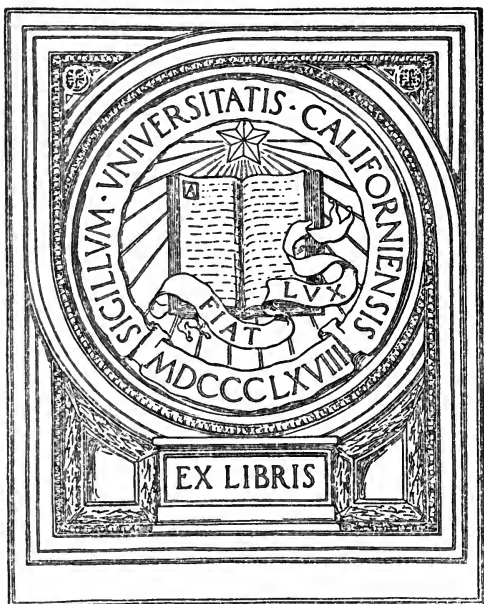
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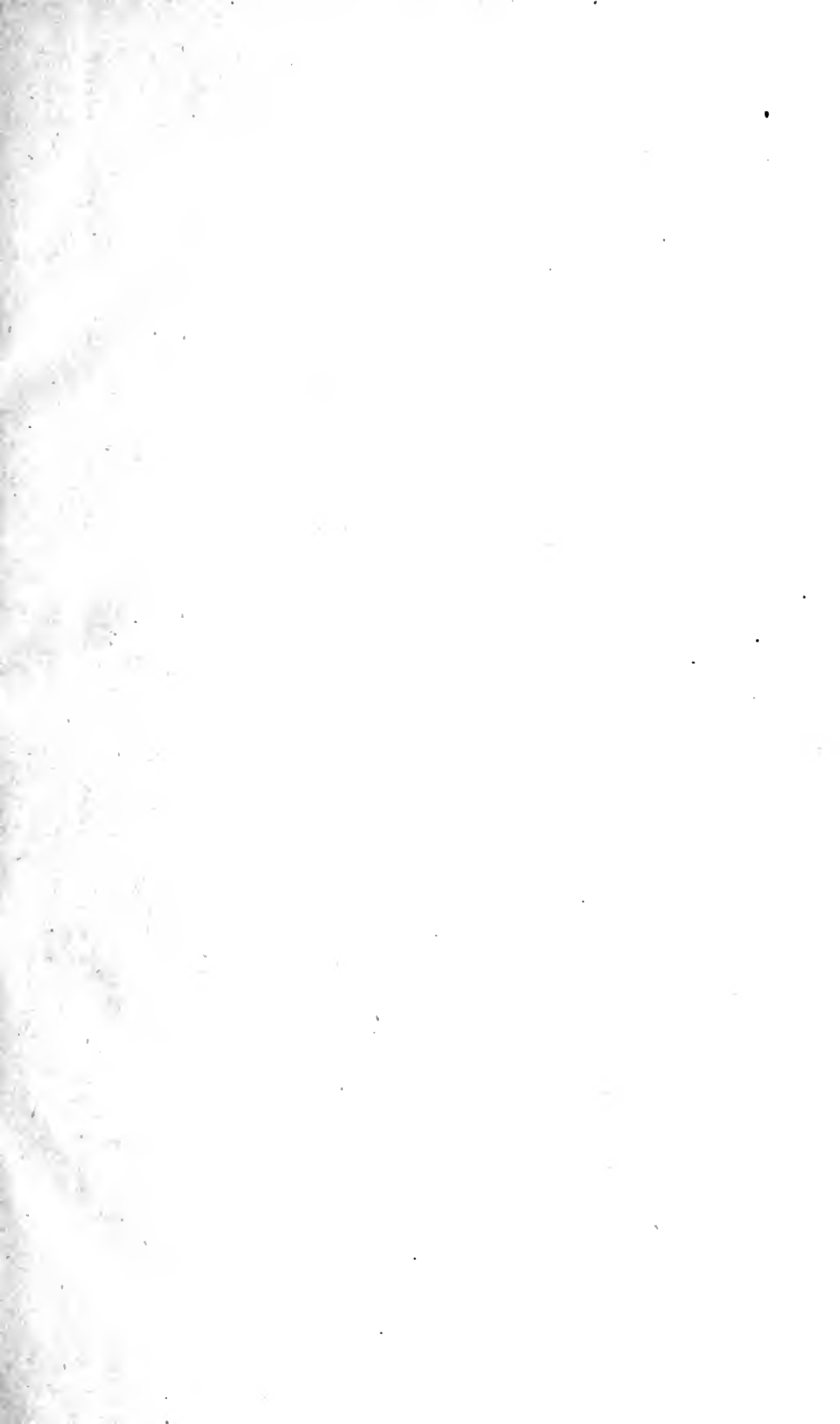
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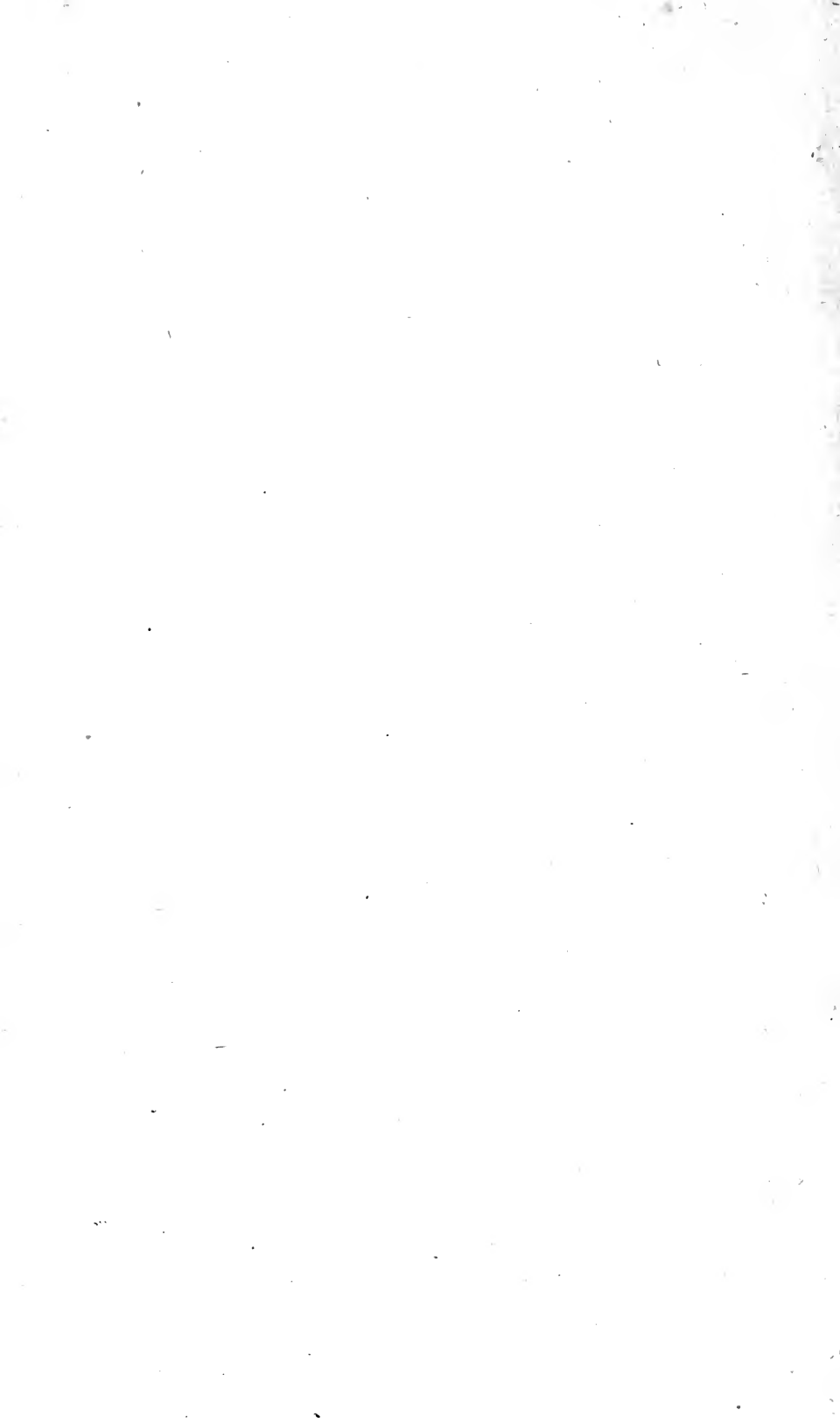
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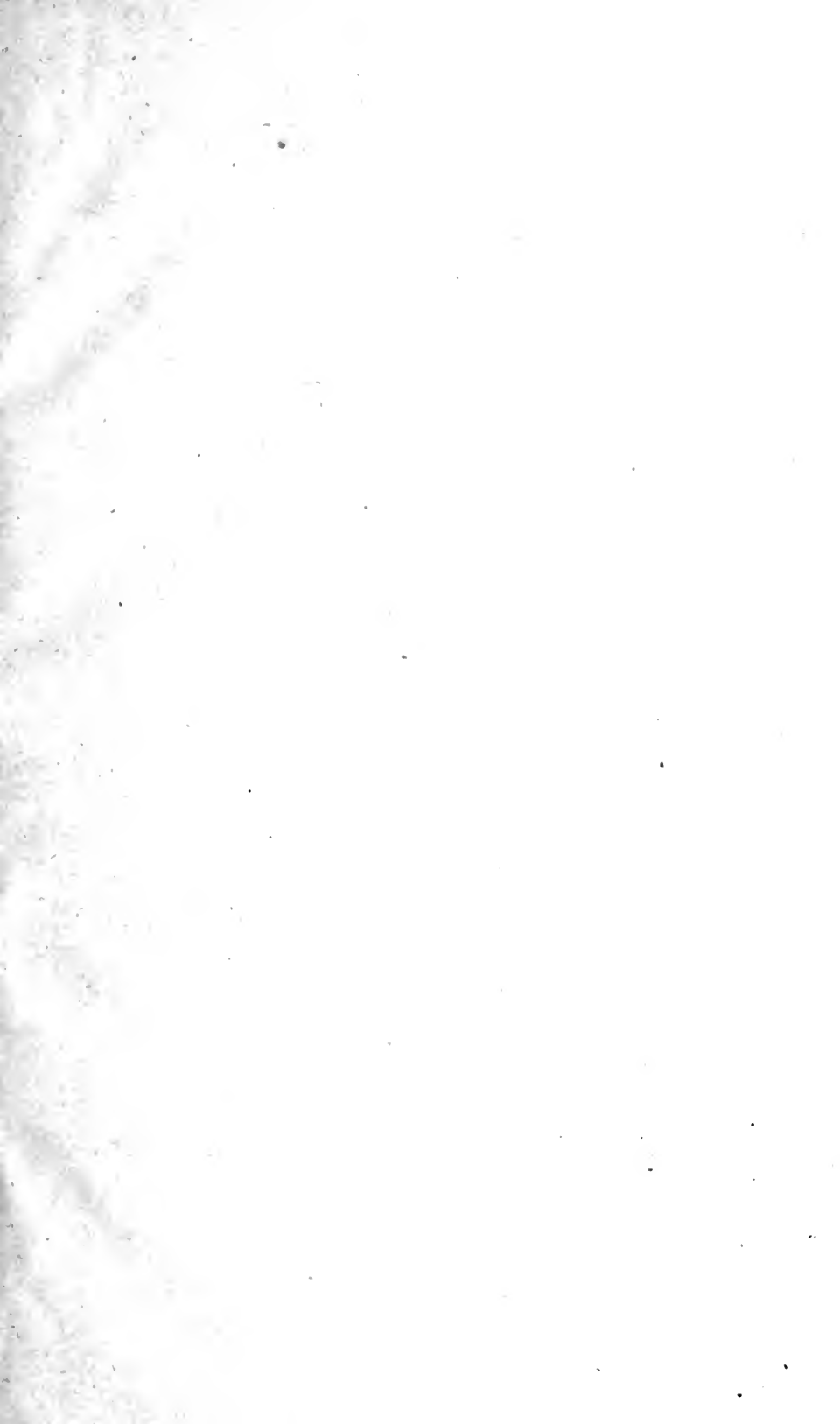


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California. Attorney general's office

SPECIAL REPORT

OF THE

ATTORNEY-GENERAL

OF THE STATE OF CALIFORNIA,

ON

RAILROAD TAX CASES AND RAILROAD TAXATION.

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SPECIAL REPORT

ON

RAILROAD TAX CASES AND RAILROAD TAXATION.

ATTORNEY-GENERAL'S OFFICE,
SACRAMENTO, January 17, 1893. }

To the Hon. H. H. MARKHAM, Governor of the State of California:

SIR: The Legislature being now in session, I herewith respectfully submit a special report concerning the railroad taxes remaining unpaid by various railroad companies in this State since the adoption of the new Constitution. In this connection your attention is called to what has already been stated upon the subject of "railroad tax cases" in my report to you, dated September 15, 1892. Although no proposition has been made, except as appears by the communication to me from E. L. Craig, Esq., of the law department of the Southern Pacific Railroad Company, under date of January 12, 1893, hereinafter set forth, to settle the taxes, I make this report and collate facts and figures regarding these matters so as to place the subject intelligibly before you and the Legislature.

The following report regarding unpaid railroad taxes and railroad tax litigation, pertains only to the Southern Pacific system of railroads. The tabulation in the Appendix hereof shows the taxes for each year from 1880 to and including 1892, the sums at which each road was assessed, and the amount of the State and county taxes. There also appear herein two statements, which were used as Exhibits "A" and "B," in the case of *John Rooney vs. E. C. Marshall, Attorney-General, et al.* (69 Cal. 647), and portions of the reports of former State Controllers, regarding railroad taxes, so as to advise you and the Legislature as to the then condition of affairs.

The correspondence above alluded to is as follows:

"LAW DEPARTMENT S. P. Co.,
"SAN FRANCISCO, CAL., January 12, 1893. }

"Hon. W. H. H. HART, Attorney-General:

"DEAR SIR: I am in receipt of your favor of this date referring to the pending controversies between the people of the State and the railroad companies composing what is known as the Southern Pacific System, in regard to taxes, and the suggestions heretofore made on behalf of the companies of a purpose to submit some proposition for an adjustment of the same, and inquiring whether I am now prepared to submit such a proposition in their behalf.

"In answer to your inquiry, I will say that while the companies referred to are desirous of promoting a speedy settlement of these controversies upon such terms as shall be fair to both parties, an examination of the subject has convinced me that it will be useless for the companies to submit any proposition covering the whole matter and involving any degree of compromise, because of the very serious doubt as to the authority of any executive officer of the State to accept the terms that might be proposed, so as to bind the State and relieve the companies from further controversy in regard thereto.

"As I understand it, there are those in authority who claim on behalf of the State that nothing short of the full payment by the companies of the amounts assessed against them respectively since the controversies began, with all the cumulative penalties and costs incurred in the proceedings had to enforce the assessments, will relieve the com-

panies and their properties from the lawful demands of the State. This claim is made, notwithstanding the fact that for the series of years up to and including 1884, nearly if not quite all of the suits have been determined either by judgment in favor of the companies, or by judgments against them which have been fully paid; and that for the years following, up to and including 1887, it is claimed by the companies that the assessments unlawfully included the Federal franchises of the aided roads, and thereby rendered the assessments void as to them. The fact that the Federal franchises were so included up to and including the years 1885-6 is, I think, undisputed by any one, and whether they were so included in 1887 is, in fact, now being litigated between the parties. The effect in the case referred to, of the judicial finding upon this controverted fact, must be so controlling that I do not think either party is likely to make to the other a proposition of settlement which will be accepted.

"The situation is further complicated by the fact that in addition to the suit brought in the name of the State for the entire tax claimed to be due to the State and counties for the year 1887, suits have been commenced by the several counties for their alleged proportions of the tax, thus subjecting the companies to a double litigation as to each county tax.

"The only other case now pending is that of the *People vs. The San Pablo and Tulare Company*, before the Supreme Court of the United States. The very small amount involved in this case is insufficient to warrant further controversy, and the other reasons which were supposed to justify it seem to me no longer to exist.

"In view of the fact that the railroad companies referred to as under the Southern Pacific management have for five years last past been promptly paying their taxes as levied, and propose to continue so doing, and the further fact that a decision of this case, even if adverse to defendant, cannot possibly affect the main questions involved in the other litigated cases, I think that the question in this case will have ceased to be important to either party if the taxes are paid in full, with 5 per cent penalty claimed, and legal interest from the date of alleged delinquency to the time of payment, together with all costs that may be chargeable therein—in other words, if the company pays to the State and counties all that can by any possibility be recovered in the event of a judgment in favor of the people.

"I understand that some two years or more ago this company tendered full payment to the State of these taxes, and that its officers declined to accept the payment.

"I now renew, to you, the offer to pay these taxes, penalties, interest, and costs, which if it be accepted, will remove at least one of the irritating questions between the parties, and tend to promote an adjustment of the others.

"To this I will add that I understand that the company's counsel, at the time of entering into the stipulation under which this case was taken up, contended, and have ever since claimed that the record in the case was not such as to necessitate a decision upon the point which the counsel for the State desired to have settled; and that since the stipulation was entered into the Supreme Court of this State has rendered a decision in relation to the statutory provisions for the collection of taxes upon which this action was founded, which if adopted by the Supreme Court of the United States, as is usual upon such questions, may reasonably be expected to result in an affirmance of the judgment upon these minor propositions, and without a decision upon the main question supposed to be presented and sought to be settled.

"Inasmuch as there can be no question of your official right to receive in settlement of this case all that could by any possibility be recovered in it, I submit to your professional and official judgment this offer to settle the case last mentioned, and as soon as the technical doubts as to any authority to settle the remaining cases shall have been removed, as I have no doubt they can be, I will submit a proposition in the hope of settling all other pending questions.

"Respectfully yours,

E. L. CRAIG."

For convenience this report on railroad tax cases and railroad taxation is subdivided as follows:

First—Taxes of 1880 to 1884, inclusive.

Second—Taxes of 1885 to 1887, inclusive, no part of which has been paid.

Third—Taxes of 1888 to 1892, inclusive, all paid so far as due.

FIRST.

TAXES OF 1880 TO 1884.

Statements numbered 1 and 2 in the Appendix hereof show the assessed value of the various railroads in the State for the years 1880 and 1881, as appears by the State Controller's report for the thirty-

second and thirty-third fiscal years, page 23. Said report shows that for 1880 the railroad taxes for State purposes were \$199,514 50, and the delinquent taxes for State purposes \$196,805 81; for the year 1881 the amount of taxes for State purposes was \$228,134 31 and delinquent taxes for State purposes \$220,317 61. Thus it appears that only a small portion of the taxes, and those by one or two roads, were paid. In reference to this matter the Controller, Hon. D. M. Kenfield, states (p. 23):

"In order to comprehend how great was the injustice done to the revenue of the whole State it must be understood that in addition to the delinquent State taxes, there was also a delinquency of the railroads to the several counties in the taxes of 1880 of \$351,894 68, and of 1881 of \$349,039 50; making a total delinquency of State and county taxes for the two years of \$1,118,057 60.

"Since the delinquency of 1881, the San Francisco and North Pacific Railroad Company paid, under protest, their taxes delinquent of that year, amounting to \$8,528 10, and the North Pacific Coast and South Pacific Coast have each paid its taxes due for 1880, amounting to \$7,285 39; these amounts representing the State portion of the tax. Since the close of the last fiscal year, there has also been paid, in the various counties, by several of the railroad companies, about 60 per cent of the tax for the respective years, 1886 and 1881, as follows:

"Central Pacific Railroad Company, in Sacramento and Merced Counties, \$33,855 78. State portion, \$13,105 62.

"Southern Pacific Railroad Company, in Kern County, \$57,530 48. State portion, \$16,021 93.

"Sacramento and Placerville Railroad Company, in Sacramento and El Dorado Counties, \$12,105 82. State portion, \$4,381 56.

"Amador Branch Railroad Company, in Sacramento County, \$3,421 09. State portion, \$1,476 78.

"California Pacific Railroad Company, in Sacramento and Yolo Counties, \$9,267 03. State portion, \$4,003 55.

"Northern Railway Company, in Yolo County, \$5,545. State portion, \$2,391 63.

"Yaca Valley and Clear Lake Railroad Company, in Yolo County, \$2,419. State portion, \$1,044.

"Making a total on account of State taxes of \$58,239; leaving due the State for taxes of years 1880 and 1881, a balance of \$358,884 42.

"It is not surprising that the failure of the railroads to pay their taxes should have caused widespread consternation. The whole revenue system of the several counties was disarranged thereby; the ordinary obligations of the counties could not be fully met, and in many of the counties the public schools were closed for want of funds.

"A serious phase of the subject is, that in most of the counties the Boards of Supervisors considered the propriety of reducing the valuation fixed by the State Board of Equalization, in which body the Constitution fixed solely the power to assess railroads; and in the counties of Alameda, San Mateo, Yolo, and Sacramento, the Boards of Supervisors did reduce the assessment of railroads apportioned to them by the State Board of Equalization.

"To test the rights of such action by the County Boards, a case, at the instance of the State Board, was brought before the Supreme Court of this State.

"The Court rendered its decision, holding that the County Boards, in reducing assessments, acted in violation of the Constitution.

"I have done all that lay in my power to force the collection of the railroad taxes, but without success. The ordinary process of collecting taxes is to offer the property for sale, depending on bidders to purchase the property. From the nature of the railroad property, it was thought that it was not probable that any purchaser could be found to purchase a portion of a road located in a county.

"I therefore had recourse to the provisions of Section 3899 of the Political Code, which reads as follows: 'The Controller may, at any time after a delinquent list has been delivered to a collector, direct such collector not to proceed in the collection of any tax on said list amounting to three hundred dollars, further than to offer for sale but once any property upon which such tax is a lien. Upon such direction, the collector, after offering the property for sale once, and there being no purchaser in good faith, must make out and deliver to the Controller a certified copy of the entries upon the delinquent list relative to such tax; and the Tax Collector or the Controller, in case the Tax Collector refuses or neglects for fifteen days after being directed to bring suit for collection by the Controller, may proceed, by civil action in the proper Court, and in the name of the people of the State of California, to collect such tax and costs.'

"The next section provides for a form of complaint for the issue of a writ of attachment, and for ten per cent counsel fees.

"It will be seen that the control of such suits was in the hands of either the collector or Controller, and that no suit could be begun until the property had been offered once for sale.

"It must also be remembered that the whole delinquent property must be offered for sale within four weeks after the first publication of the sale.

"In 1880, after the several collectors had published the delinquent lists, I made an order directing each collector to offer the railroad property but once for sale, and if there were no bidders to withdraw the property from sale.

"In the meantime a stockholder in the Central and Southern Pacific Railroad Companies, an alleged resident of New York, began actions in the District Court of the United States against each collector to enjoin him from offering the property of said companies for sale.

"After the time had elapsed for the collector to offer the property for sale, the injunctions were dismissed, but thereby the jurisdiction of the Controller to direct the beginning of actions was lost.

"I made like orders in 1881, for the withdrawal of the railroad property from sale after being offered once. A short time before the period of such offering the companies sued out writs of injunction against the several collectors. These suits were begun in the Superior Courts of San Francisco, and, of course, had the effect to delay the action of the collector until the time had passed within which he could act. Upon a hearing, Judge Waymire dismissed the suit against the collector of the county of Sacramento, and it was expected that the other writs would be dismissed in time for the collectors to offer the property for sale.

"After the writ of injunction against the collector of Sacramento County had been vacated, and he was about to offer the property of the Central Pacific Railroad Company for sale for taxes for 1881, the attorney for the railroad company went to Alameda County, and obtained from Judge Green, of the Superior Court, a writ of prohibition against the collector, prohibiting him from proceeding with the sale.

"For the reason, therefore, that the railroad companies, by the machinery of law, prevented the accruing of the right of the Controller to sue, I have been unable to collect the taxes, both of 1880 and 1881.

"As I showed before, if the Controller had been permitted to sue, the suits would have been under his control, and the means to enforce the action would have been found in the ten per cent counsel fees to be paid by the defendants.

"In the session of 1880 an Act was passed by the Legislature providing that in an action begun in any county for the collection of delinquent taxes, the county may sue in its own name for the recovery of the taxes, whether it be for county or State purposes, or either of them.

"In the summer of 1882, I received advices that the railroad companies were offering to compromise their taxes by paying into the county treasuries 60 per cent of the taxes due, and that many of the Boards of Supervisors were contemplating accepting such offers. No law could be found authorizing directly such compromise. Moreover, the dread that the State would insist on the county paying to the State the whole of the State taxes due, doubtless deterred the Board from accepting the offer.

"Another plan, however, was adopted. The Supervisors of several of the counties directed the District Attorneys to begin action under the Act of 1880, against the companies for taxes due in 1880 and 1881. Suits were begun in Sacramento, Merced, Kern, Yolo, and El Dorado Counties. The Supervisors of said counties directed the District Attorneys to compromise the suits by accepting 60 per cent of the taxes due, and allowing judgment to be entered for that amount, the companies paying the amount of the judgment into the County Treasury.

"In the case of the County of San Mateo against the Southern Pacific Railroad Company, for the collection of State and county taxes for the year 1881, a decision has recently been filed by Justice Field, of the Circuit Court of the United States, wherein it is decided that the Constitution of this State is unconstitutional in so far as it provides for the present mode of assessment of railroads by the State Board of Equalization. If this decision is sustained by the Supreme Court of the United States, the State Constitution will have to be amended in order to assess the various railroads of the State.

"Pending the decision of the cases carried to the Supreme Court of the United States, I earnestly recommend that a different system of collecting the tax from railroad companies should be adopted. The law requires the State Board of Equalization to apportion the tax among the counties in the ratio that the number of miles of railroad in the county bears to the whole number of miles of the road in the State; to make a statement of the amount apportioned, with a description of the track and right of way in the county; this statement to be entered on the assessment book verbatim. In the event of the taxes upon the railroad property becoming delinquent, there is no provision how the Tax Collector shall sell, and he offers the property in like manner as he does real estate. The purchaser would take such portion of the road as might be in the county, but his relation to the company is not determined, and being so indefinite, must involve him in litigation. The plan which I propose, and which I think is perfectly feasible, is as follows:

"*First*—The State Board of Equalization shall assess the franchise, roadway, roadbed, rails, and rolling stock of railroads operated in more than one county.

"*Second*—The Board shall apportion such assessment among the several counties entitled thereto in the ratio as is at present prescribed.

"*Third*—The Board shall make an entry of such assessment, describing the road sufficiently well to identify it, and the apportionment of the same, in a book to be called the Assessment Book of the State Board of Equalization.

"*Fourth*—Such book shall then be transmitted to the Controller, who at the proper time (or such duty may devolve upon the Board, as at present) shall notify the Board of

Supervisors of the amount of assessment apportioned to the county, as a basis for county taxation.

"Fifth—The Controller shall calculate, and carry into a column, in the book, the amount of taxes due the State.

"Sixth—As soon as the rate of county tax is fixed by the Board of Supervisors, the Auditor of the county shall notify the Controller of such rate.

"Seventh—The Controller shall then calculate the amount due the county, and carry the amount into a column prepared for the purpose.

"Eighth—Each railroad company must settle with the Controller for its taxes, and pay the amount into the State Treasury.

"Ninth—The State Controller and Treasurer shall credit each county with the amount due the county on account of taxes paid by the railroad companies, and notify the County Treasurer thereof.

"Tenth—In the event of any railroad company failing to pay its taxes, the Controller to have authority to prosecute an action for the State tax and the county taxes due, in one suit, prescribing the form of complaint so that there shall be no failure for want of form.

"As railroads operated in more than one county are assessed as a whole, it does not appear to me that the interests of the State are best subserved by dividing the collection of the tax into as many parts as there are counties through which the road passes.

"I think that the plan of placing the collection of taxes upon railroads, assessed by the State Board of Equalization, under one authority, is one that will commend itself. I trust that the Legislature will give my suggestions consideration."

Statements Nos. 3 and 4 in Appendix hereof, show the unpaid taxes of 1882 and 1883, upon the Southern Pacific and Central Pacific systems of railroads, except as paid to Attorney-General Marshall, as hereinafter more particularly mentioned.

By State Controller Dunn's report for the thirty-fourth and thirty-fifth fiscal years, it appears (page 24) that upon February 12, 1884, there was due and remaining unpaid for former years to the State of California and the several counties from the Central Pacific and Southern Pacific systems of railroads, the sum of \$2,730,303 39. (This sum includes all penalties, interest, and costs up to that date.) Upon this subject the Controller in his report states:

"For the year 1883, with the single exception of the North Pacific Coast Railway, every railroad in the State, other than the Central and Southern Pacific systems, paid its taxes in full; and in addition the Central Pacific paid in full for that year upon these branches: Amador branch, Sacramento and Placerville, Vaca Valley and Clear Lake, and the Santa Cruz Railroad Company (owned by the Pacific Improvement Company), amounting, for State purposes, to \$3,697 68, leaving a delinquency against the Central and Southern Pacific systems for State purposes, for that year of \$178,423, and for State and county purposes, \$555,628 46, on the face of the tax. To this must be added 5 per cent penalty, 2 per cent per month interest, together with costs and attorney's fees.

"It is unnecessary for me to recount the struggles made by the State in earnest endeavors to collect these taxes. It is history that must be fresh in the mind of every one. Nor is it necessary here to recapitulate the various proposals put forward by these corporations, in the way of propositions to evade the payment of their taxes.

"Transactions called compromises have been entered into between these corporations and certain officials, whereby a sum less than that due has been accepted as payment of the taxes levied. But I have refused to accept the payments thus made. I did so because I believed that, as an officer of the State, I had no right to accept less than the whole amount due the State.

"Acting upon this conviction, I notified the Treasurers of the various counties interested that this office would not make settlements of these taxes for less than the full amount due. I also advised the Auditor and Treasurer of Contra Costa County to refuse to accept the taxes tendered them by the Attorney-General, who thereupon began suits to compel acceptance. At my instance, Hon. W. W. Foote represented the Contra Costa officials in the Courts; the case is as yet undecided. The heavy hand of the law is laid upon the house and home of the farmer, and the owner of city and town homesteads, for delinquency, and the property is sold at tax sale; and is there any good reason why railroad property should be exempted from the severe penalties imposed upon other classes of property for delinquency? Is it of loftier or holier character than the homes and firesides of families? Let the certainty be established that legal clouds will fall upon the title to this class of property through sale on account of delinquency, and that redemption profits such as accrue to purchasers of other kinds of property will ensue, and railroad delinquency and obstinacy will end together.

"I heartily concur in the recommendation of my predecessor that the commencement and control of all suits against railroad corporations for taxes be put in the hands of the Controller.

"The attorney's fees provided for by law are ample, thus saving the State against any expense whatever, and the great time, labor, and careful research required in the preparation and presentation of these cases will occupy more time than can be devoted to them by officials having all the other great interests of the State to protect."

The Central Pacific and Southern Pacific Railroad systems were also assessed for the taxes of 1884. I have tabulated the mileage, assessed value per mile, number of miles in the State and each county, total assessment for State and in each county, the amount of tax levied for the State and each county, the amount paid, and the several amounts delinquent, which tabulation appears in the Appendix hereof as statement No. 5.

The Controller, Hon. John P. Dunn, in his report for the thirty-sixth and thirty-seventh fiscal years (page 24), says:

"As shown by my last biennial report, there was due at that time from the Central and Southern Pacific railroads and branches, for the years 1880, 1881, and 1882, \$1,029,675 57. Of this amount there was paid to Attorney-General Marshall, and by him paid to the State and to various County Treasurers (in the way of partial payments), the sum of \$470,476 08, besides other settlements, which, added to this, leaves unpaid for these years the sum of \$416,252 28, as shown by reports on file in this office.

"For 1883 the amount delinquent was \$555,628 46, of which there has been paid \$333,377 13, leaving yet unpaid \$222,251 33.

"For 1884 the amount was \$653,373 12, of which \$329,520 63 has been paid, leaving yet due \$323,852 49."

The following exhibit shows in detail the amounts paid (as already given) into the State Treasury by the Attorney-General, E. C. Marshall, from the several roads, and for the years named, together with the amount that thereby was apportioned to the respective funds to which the moneys belonged:

Amount of Delinquent State and County Taxes Paid into the State Treasury June 19, 1886, by E. C. Marshall, Attorney-General.

Names of Railroads.	Taxes of 1880.	Taxes of 1881.	Taxes of 1882.	Taxes of 1883.	Taxes of 1884.
California Pacific Railroad				\$15,580 56	\$14,172 09
Northern Railway	\$1,985 12	\$2,100 09	\$1,415 50	17,373 13	15,646 93
San Pablo and Tulare R. R.	3,053 57	3,505 56	2,658 16	6,044 81	5,295 80
Stockton and Copperopolis Railroad	2,811 85	2,793 77	1,662 15	2,453 22	
Southern Pacific Railroad				125,806 31	124,720 81
Central Pacific Railroad	27,239 99	27,755 64	28,778 45	166,119 10	169,685 00
Totals	\$35,090 53	\$36,155 06	\$34,514 26	\$333,377 13	\$329,520 63

RECAPITULATION.

Taxes 1880	\$35,090 53
Taxes 1881	36,155 06
Taxes 1882	34,514 26
Taxes 1883	333,377 13
Taxes 1884	329,520 63
Total	\$768,657 61
Less express charges from San Francisco to State Treasury	384 36
Net amount paid State Treasurer	\$768,273 25

[NOTE.—Page twenty-five, Controller's report, thirty-sixth and thirty-seventh fiscal years.]

The Controller further says (page 25):

"In this connection, I desire to repeat the following from my last biennial report:

"It is unnecessary for me to recount the struggles made by the State in earnest endeavors to collect these taxes. It is history that must be fresh in the mind of everyone. Nor is it necessary here to recapitulate the various proposals put forward by these corporations in the way of propositions to evade the payment of their taxes.

"Transactions called compromises have been entered into between these corporations and certain officials, whereby a sum less than that due has been accepted as payment of the taxes levied. But I have refused to accept the payments thus made. I did so because I believed that as an officer of the State I had no right to accept less than the whole amount due the State."

"It has been asserted and insisted by the Attorney-General and the attorneys for these railroad companies that the payments made by them to him were payments on account, but there was nothing in the records of the Court (at the time these partial payments were made) to show that the rights of the State and the several counties to collect the balance due were protected. The records themselves are untrue, and a mere examination of them will show the deception practiced.

"Before the committee of the Assembly of the extra session of 1884, constituted to investigate and report upon the character of the Attorney-General's actions in relation to these railroad tax matters, Mr. Marshall stated that he had a stipulation in the case fully protecting the rights of the State, yet when called upon by the committee to produce it, Mr. Marshall stated that he had such a stipulation, but was unable to find it. The attorney for the railroad stated that no such stipulation existed, but that he would give such an one. Subsequently a piece of paper, purporting to be a stipulation, was presented to the committee by the Attorney-General. This document was worthless, but its worthless character was not discovered by the committee. Some months afterwards, however, this office discovered it and (in a letter addressed to the Attorney-General on November 3, 1885) exposed the deception practiced upon the committee. Yet nothing was done by that official either to correct the record or to secure such a stipulation as would protect the rights of the State. Afterwards John Rooney, Esq., of this county brought an action to compel the Attorney-General to pay, the Controller to certify, and the State Treasurer to receive into the State Treasury, the partial payments the Attorney-General had accepted from the railroad companies. And up to this time no stipulation had been placed on file, and no stipulation is of any value until it is placed on file. But after the Rooney case brought the matter before the Supreme Court of the State, the Attorney-General did file a stipulation in sixty-three cases covering taxes for 1881 and 1882.

"Again, in the cases for railroad taxes for 1884, wherein the Attorney-General accepted 50 per cent of the face of the amount due, the findings of the Court show that the State Board of Equalization assessed the fences along the lines of the roads, and the distance across the bay of San Francisco—a distance of four miles—as four miles of the railroad. The State Board of Equalization did not assess either the fences along the lines of the railroads nor the distance across the bay of San Francisco. No testimony was introduced on the trial to show that such assessments had been made. And yet, in the face of this fact, the Attorney-General permitted this record to be made a part of the findings of the Court. It is a significant fact, in this connection, that the decision rendered against this State by the Supreme Court of the United States in a similar railroad tax case, was based upon the fact that the findings showed that the (former) State Board of Equalization had assessed the fences along the lines of the roads—thus putting these cases in the identical condition of those already decided against the State by the Supreme Court of the United States, and rendering it worse than useless to appeal them. In a letter addressed to the Attorney-General, on the 18th of last June, I called his special attention to the false condition of the record. And during the last two months, I examined the records and found them still in the same condition, as they probably are yet.

"For some time the Attorney-General claimed to have in his possession a large sum of money paid him by certain railroad companies as partial payment of taxes due. In a letter I addressed him on November 3, 1885, and at other times, I asked him to bring an action in the Supreme Court to have the question determined as to my authority to receive these so-called payments on account, but he refused to do so. I also asked from him a statement showing the amount received from each railroad, the year for which it was paid, the amount for State, and the amount for county purposes. This was absolutely essential to me in order that the money might be properly apportioned to the various funds. Yet he refused to furnish me the information.

"The Supreme Court, in the Rooney case, decided that the United States Circuit Court, being a Court of competent jurisdiction, having ordered the Attorney-General to receive the money from the railroad companies, it would not review the decision, and ordered the Controller to certify it into the treasury. But it did not determine either the right of the Attorney-General to compromise taxes or decide the question as to his right to receive taxes on account. Neither did it determine the question as to whether payments made were partial or, under the condition of the records, were in full satisfaction.

"It is scarcely necessary for me to recall to you the earnest efforts made, through your office and mine, to secure a full hearing of the issues involved in the right of the State to tax railroads under the present system. Suffice it to say, every effort of the railroad

attorneys has been exerted to prevent the question being heard on its merits. Your efforts culminating in an exhaustive letter to the Supreme Court of the United States, have been earnest and effective. In that letter, under date of November 25, 1885, you besought the Court to advance those cases upon the calendar, and hear and determine the issues. An early hearing was thereby had; yet your struggles, like those of all others who have earnestly sought to secure a full hearing of the issues involved, were doomed to defeat. In the San Mateo County case nothing was involved but the clean-cut Federal question of the right of the State to tax corporations, under its Constitution.

"With that point decided, nothing remained for decision outside of our State Courts.

"It had been heard in 1882 by the United States Supreme Court, was first of these cases on the calendar, had been argued, and was ready for decision. It was selected as a test case. The railroad company secured a postponement of that decision. They constantly declared their anxiety for an early decision, and just as constantly interposed every possible obstacle against a decision being rendered. They used every endeavor to have that case dismissed, failing in which, they drove the attorneys for the State—Messrs. Rhodes and Barstow—out of the case. As an evidence of the virulent hostility used to thwart the efforts upon the part of State officers to have the case heard, could anything more despicable be presented than the history of that case, as shown in the acts of the officials of San Mateo County, in abetting the railroad company in having that case dismissed, as is seen by the following affidavits: * * *

Before the moneys were paid into the State Treasury by Attorney-General Marshall, as specified on page 7, there was, on the 10th day of November, 1885, an action commenced in the Supreme Court of the State of California by John Rooney against Attorney-General Marshall and State Controller Dunn (69 Cal. 647) for writ of mandate compelling said Dunn to certify into the State Treasury the moneys collected by said E. C. Marshall from the railroad companies. In order to fully explain the facts in that case, I here insert exhibits A and B, which were offered and received as evidence in said cause, as follows:

STATEMENT,

Being "Exhibit A" in the Supreme Court of California in the case of John Rooney, plaintiff, vs. E. C. Marshall et al., defendants. (69 Cal. 647.)

Number of Case in U. S. Circuit Court.	To Recover Taxes for the Year.	Amount Due on Face of Tax.	Amount Due as 5 per cent Penalty.	Amount as Interest Until Day of Judgment.	Amount Due as Attorney's Fees.	Corporation Defendant.	Amounts of Consent Judgments.	Gross Amounts Due on Day of Judgment.
2755	1880	\$22,519 20	\$1,125 96	\$16,664 20	\$2,251 92	Central Pacific Railroad Company	\$14,216 64	\$42,561 28
3063	1882	18,684 36	934 21	4,857 93	1,868 43	Central Pacific Railroad Company	18,684 36	26,344 93
2781	1880	14,949 16	747 45	11,062 37	1,494 91	Central Pacific Railroad Company	14,949 16	28,253 89
2778	1881	18,443 75	922 18	9,221 87	1,844 37	Central Pacific Railroad Company	14,949 16	30,432 17
3060	1882	14,823 00	741 15	3,853 98	1,482 30	Central Pacific Railroad Company	14,823 00	20,900 43
2786	1880	5,895 80	112 20	583 44	224 40	Central Pacific Railroad Company	2,244 00	3,164 04
2788	1881	3,744 63	187 29	4,362 89	589 58	Central Pacific Railroad Company	3,315 80	11,143 06
3108	1882	4,085 95	204 29	1,872 31	374 46	Central Pacific Railroad Company	3,744 63	6,178 60
2798	1880	3,543 02	177 15	2,621 83	408 59	Central Pacific Railroad Company	4,085 95	5,761 17
2797	1881	4,050 00	202 50	2,025 00	354 30	Central Pacific Railroad Company	3,543 02	6,686 30
3063	1882	2,625 00	131 25	682 50	262 50	Central Pacific Railroad Company	4,050 00	6,682 50
2803	1880	15,608 53	780 42	11,550 31	1,560 85	Central Pacific Railroad Company	2,625 00	3,701 25
3071	1882	10,033 65	501 68	2,608 74	1,003 36	Central Pacific Railroad Company	5,257 61	29,710 11
2820	1880	22,864 28	1,143 21	16,919 56	2,286 42	Central Pacific Railroad Company	3,624 27	14,147 43
2819	1881	28,600 53	1,430 02	14,300 26	2,860 05	Central Pacific Railroad Company	22,864 28	43,213 47
2825	1880	6,190 75	309 53	4,581 15	619 07	Central Pacific Railroad Company	28,600 53	47,190 86
2914	1881	7,467 90	373 39	3,730 95	746 79	Central Pacific Railroad Company	5,559 17	11,700 50
3073	1882	5,078 78	253 93	1,320 48	507 87	Central Pacific Railroad Company	6,732 43	12,322 03
2840	1880	32,586 72	1,629 43	24,114 17	3,258 67	Central Pacific Railroad Company	4,616 52	7,161 06
2841	1881	39,587 00	1,979 35	19,793 00	3,958 70	Central Pacific Railroad Company	14,622 50	61,588 99
3062	1882	44,772 00	2,238 60	11,640 72	4,477 20	Central Pacific Railroad Company	18,462 83	65,588 05
2766	1880	4,807 80	240 39	3,557 77	480 78	Southern Pacific Railroad Company	16,677 57	63,128 52
3004	1882	3,388 77	169 43	881 08	338 87	Southern Pacific Railroad Company	4,807 80	9,086 74
2787	1880	13,394 89	669 74	9,912 21	1,339 48	Southern Pacific Railroad Company	3,388 77	4,778 15
2829	1881	16,035 00	801 75	8,017 00	1,603 50	Southern Pacific Railroad Company	8,462 48	25,316 32
3064	1882	10,113 12	505 65	2,629 41	1,011 31	Southern Pacific Railroad Company	9,829 67	26,457 25
2789	1880	21,444 68	1,072 23	15,869 06	2,144 46	Southern Pacific Railroad Company	9,631 45	14,259 49
2787	1881	20,453 40	1,022 67	10,226 70	2,045 34	Southern Pacific Railroad Company	21,002 68	40,530 43
3109	1882	12,983 24	649 16	3,375 64	1,298 32	Southern Pacific Railroad Company	19,479 55	33,748 11
2809	1880	591 58	29 57	437 76	59 15	Southern Pacific Railroad Company	12,365 01	18,286 36
2810	1881	709 50	35 47	354 75	70 95	Southern Pacific Railroad Company	591 58	1,118 06
2835	1880	4,159 84	207 99	3,078 28	415 98	Southern Pacific Railroad Company	709 50	1,170 77
2839	1880	3,763 23	188 16	2,784 79	376 32	Northern Railway Company	4,159 84	7,862 09
3086	1881	4,255 39	212 76	2,156 05	425 53	Northern Railway Company	3,763 23	7,112 50
3068	1882	2,946 25	148 31	771 22	296 62	Northern Railway Company	4,255 39	7,049 73
							3,424 75	4,182 40

1880	5,117 89	255 89	3,787 23	511 78	Northern Railway Company ---	1,985 12	9,672 79
1881	5,450 62	272 52	2,725 31	545 06	Northern Railway Company ---	2,100 09	8,993 51
1882	4,037 00	201 85	1,049 62	403 70	Northern Railway Company ---	1,415 50	5,692 17
1880	1,128 32	56 41	834 95	112 83	Northern Railway Company ---	1,126 32	1,132 51
1881	1,166 40	58 32	583 20	116 64	Northern Railway Company ---	1,166 40	1,192 56
1880	2,425 90	121 29	1,811 33	242 59	Vaca Valley and Clear Lake Railroad Company ---	2,425 90	4,601 11
1881	2,469 25	123 46	1,251 08	246 92	Vaca Valley and Clear Lake Railroad Company ---	2,469 25	4,090 71
1882	2,469 25	123 46	658 46	246 92	Vaca Valley and Clear Lake Railroad Company ---	2,469 25	3,498 09
1880	1,237 60	61 88	924 07	123 76	San Pablo and Tulare Railroad Company ---	1,237 60	2,347 31
1881	1,326 00	66 30	671 84	132 60	San Pablo and Tulare Railroad Company ---	1,701 51	2,106 74
1882	1,020 00	51 00	272 00	102 00	San Pablo and Tulare Railroad Company ---	1,020 00	1,445 00
1880	6,301 68	315 08	4,705 25	630 16	San Pablo and Tulare Railroad Company ---	2,444 29	11,950 17
1881	7,364 40	308 22	3,731 29	736 44	San Pablo and Tulare Railroad Company ---	2,837 46	12,200 35
1882	6,137 00	306 85	1,636 53	613 70	San Pablo and Tulare Railroad Company ---	2,151 56	8,694 08
1880	2,017 45	100 87	1,506 36	201 74	Stockton and Copperopolis Railroad Company ---	1,917 45	3,826 42
1881	1,915 07	95 75	970 29	191 50	Stockton and Copperopolis Railroad Company ---	1,815 06	3,172 61
1880	5,711 57	285 57	4,265 63	571 15	Stockton and Copperopolis Railroad Company ---	5,711 57	10,833 92
1881	5,544 89	277 24	2,809 40	554 48	Stockton and Copperopolis Railroad Company ---	5,544 89	9,186 01
1882	1,252 15	62 60	333 89	125 21	Stockton and Copperopolis Railroad Company ---	1,152 15	1,773 85
1880	9,193 27	459 66	2,451 53	919 32	California Pacific Railroad Company ---	9,193 27	13,023 78
1881	11,869 40	593 47	6,013 82	1,186 94	California Pacific Railroad Company ---	11,960 00	19,663 63
1880	10,887 85	544 39	8,123 58	1,088 78	California Pacific Railroad Company ---	10,887 85	20,650 50
1882	9,488 66	474 43	2,530 30	948 86	California Pacific Railroad Company ---	9,432 46	13,442 25
1880	11,816 53	590 82	8,822 97	1,181 65	California Pacific Railroad Company ---	11,816 52	22,411 97
1880	2,785 41	139 27	2,080 06	278 54	Santa Cruz Railroad Company ---	2,785 41	5,283 28
1882	3,402 41	170 12	907 30	340 24	Stockton and Copperopolis Railroad Company ---	3,402 81	4,820 01
1880	31,470 58	1,573 52	23,498 02	3,147 05	Southern Pacific Railroad Company ---	30,692 07	59,689 17
	\$602,471 25	\$30,123 41	\$322,446 03	\$60,246 91		\$470,476 48	\$1,014,655 54

STATEMENT,
Being "Exhibit B" in the case of John Rooney vs. E. C. Marshall et al., in Supreme Court of California. (69 Cal. 647.)
Cases Brought to Recover the Taxes of 1883.

No. of Case in the United States Circuit Court.	Amount of State and County Taxes Sued For.	Amount Due as 5 per cent Penalty Thereon.	Amount of In- terest, due at 2 per cent per Month, under Sec. 3803, P. C.	Amount Due as Attorney's Fees.	Names of Railroads Defendants in the Actions.	Total Amount due Sept. 29, 1884.
3263	\$276,865 10	\$13,843 25	\$57,218 78	\$27,686 51	Central Pacific Railroad Company-----	\$375,613 64
3264	209,677 15	10,483 85	43,333 27	20,967 71	Southern Pacific Railroad Company-----	284,461 98
3265	28,955 23	1,447 76	5,984 07	2,895 52	Northern Railway Company-----	39,282 88
3266	25,967 61	1,298 38	5,366 63	2,596 76	California Pacific Railroad Company-----	35,229 38
3267	4,088 71	204 43	844 59	408 87	Stockton and Copperopolis Railroad Company-----	5,546 60
3268	10,074 66	503 73	2,082 09	1,007 46	San Pablo and Tulare Railroad Company-----	13,667 94
	\$555,628 46	\$27,781 40	\$114,829 43	\$55,562 83	Total-----	\$753,802 12
					Received by Attorney-General E. C. Marshall-----	333,377 10
						\$420,425 02

Cases Brought to Recover the Taxes of 1884.

3668	\$330,956 61	\$16,997 83	\$59,379 05	\$33,995 66	Central Pacific Railroad Company-----	\$450,329 15
3669	244,550 70	12,227 53	42,714 80	24,455 07	Southern Pacific Railroad Company-----	323,948 10
3670	30,680 21	1,534 01	5,358 79	3,068 02	Northern Railway Company-----	40,641 03
3671	27,801 70	1,390 08	4,856 01	2,780 17	California Pacific Railroad Company-----	36,827 96
3672	10,383 90	519 19	1,813 71	1,038 39	San Pablo and Tulare Railroad Company-----	13,755 19
	\$653,373 12	\$32,668 64	\$114,122 36	\$65,337 31	Total-----	\$865,501 43
					Received by Attorney-General E. C. Marshall-----	329,520 63
						\$535,980 80

The Supreme Court, in the above mentioned action entitled John Rooney, petitioner, vs. Edward C. Marshall, Attorney-General, and in a similar proceeding brought by the County of San Mateo, petitioner, against D. J. Oullahan, State Treasurer, held and decided as follows: [Opinion by Mr. Justice Ross, concurred in by Chief Justice Morrison, and by Justices Myrick, Sharpstein, McKinstry, and McKee. Filed May 28, 1886; reported in 69 Cal. 647].

"These cases will be considered together. Each is an application for a writ of mandate, directed to the respondents in their official capacity, requiring of them the performance of certain acts demanded of them by the law if the money in question is a part of the public revenue. The money is now in the hands of the Attorney-General of the State, and is \$803,582 93 in amount. Of this sum \$140,685 20 was received by him from the defendants in certain actions instituted by certain counties of the State against certain railroad corporations for the recovery of delinquent taxes for the fiscal years 1880-81, 1881-82, and 1882-83; the remaining \$662,897 73 was received by him from the defendants in certain actions instituted by the State against the same corporations for delinquent taxes for the fiscal years 1883-84 and 1884-85. In the first class of cases the suits were brought under the Act of the Legislature approved April 23, 1880, authorizing any county or city and county, where taxes are delinquent, to sue in its own name for the recovery thereof, 'whether the same be for county, or for city and county, and State purposes, or taxes, or either of them.' (Stats. 1880, p. 136.) In the second class of cases the suits were brought under that provision of the Political Code, as amended in 1883, declaring that 'after the first Monday in February of each year the Controller must bring an action, in the proper Court, in the name of the people of the State of California, to collect the delinquent taxes upon the property assessed by the State Board of Equalization; such suit must be for the taxes due the State, and all the counties, and cities and counties, upon property assessed by the Board of Equalization, and appearing delinquent upon the duplicate record of apportionment of railway assessments. The demands for State and county and city and county taxes may be united in one action.' (Pol. Code, Sec. 3670.)

"Pursuant to statute, the actions embraced within the first class above alluded to—in number sixty-three—were commenced by the District Attorneys of the respective counties in the Superior Court of their respective counties. They were all subsequently transferred to the Circuit Court of the United States, and there came on regularly for trial—the Attorney-General appearing for the plaintiffs—and after trial were submitted to the Court for decision. On the 28th of February, 1884, the Court ordered that judgment be entered in favor of the defendants in the actions, but before judgment was so entered, and on the next day, February 29, 1884, stipulation was presented to the Court in forty-one of said sixty-three cases, signed by the attorney for the defendants, and by the Attorney-General of the State for the plaintiffs, agreeing in effect that, notwithstanding the decision of the Court before announced, that judgment should be entered in favor of the plaintiff in the respective actions for the face of the taxes.

"And the Circuit Court thereupon and upon the oral consent of the attorneys for the respective parties vacated the order theretofore entered for judgment in favor of the defendants, and made and entered a judgment in favor of the respective plaintiffs in said forty-one actions for the face of the taxes; and therein apportioned the amounts of the respective sums between the State and the respective counties. A similar stipulation and judgment was entered in each of the remaining twenty-two cases of the sixty-three originally commenced by the District Attorneys. The amounts of the judgments thus rendered and entered by the Circuit Court of the United States were subsequently paid to the Attorney-General of the State by the defendants in the actions, and a part of which is the aforesaid sum of \$140,685 10.

"Of the actions embraced within the second class already alluded to, there were pending on the 29th of September, 1884, in the Circuit Court of the United States for California, six certain cases prosecuted by the people of the State of California against the railroad corporations for the collection of delinquent taxes for the fiscal year 1883-84. Each of said actions was originally commenced in one of the Superior Courts of the State by attorneys employed for that purpose by the State Controller, but the actions were subsequently transferred, on motion of the defendants therein, to the Circuit Court. And in that Court, on the 29th of September, 1884, the following order was made and entered in each of them:

"Whereas, the defendant in the above-entitled action, while denying all liability upon the cause of action stated in the complaint, pleaded that on the ninth day of November, 1883, it had tendered and offered to pay plaintiff the sum of \$——, in United States gold coin, in part payment of the tax claimed, with an agreement that the receipt of said sum should not prejudice the plaintiff in any legal rights; and whereas, the defendant in said answer averred that it had brought said sum into Court, and offered the same to plaintiff, and subjected the said sum to such orders or judgments as the Court might make in the premises; and whereas, of the sum so tendered the defendant specially tendered, for the benefit of the State, and on the amount claimed by the State, the sum of \$——, and on account of the various county taxes it tendered sums as follows, to wit:

“For the county of ——— the sum of \$—— (naming the several counties and the several amounts).

“Now, upon motion for attorneys for plaintiff, it is ordered by the Court that the defendant, within five days from the date hereof, make said tender good by paying to Edward C. Marshall, Attorney-General of the State of California, and one of the attorneys for plaintiff herein, the said sum of \$——, United States gold coin (said sum being the amount alleged to have been tendered), to be by the said Marshall, upon the receipt thereof, paid into the State Treasury of the State of California, for the benefit of the State of California and of the counties above named, and in the respective amounts above specified; and it is further ordered that neither the payment nor the receipt of said sum shall prejudice or affect any right of either party to this action to maintain or defend it as to the balance claimed in the complaint.”

“The amounts thus ordered to be paid by the Circuit Court amounted to 60 per cent of the face of the taxes, and aggregated \$333,377 10, and were paid to the Attorney-General by the defendants in the actions within the five days mentioned in the order. On or about May 26, 1884, the Controller substituted Mr. D. M. Delmas for the attorneys originally employed by him, who has since been the only attorney employed by the Controller. Mr. Delmas did not consent to the order of September 29th, but on the contrary, at all times resisted it. Subsequently, in each of said six cases, final judgment was entered for the defendants.

“Of the actions embraced within the second class first herein alluded to, there were pending on the 16th of September, 1885, in the Circuit Court, five certain other cases prosecuted as were the six cases last referred to, and in which similar proceedings were had, except that the amount ordered to be paid by the Circuit Court to the Attorney-General by the respective defendants, and which was accordingly so paid, was the sum of \$329,520 63, and was 50 per cent of the face of the taxes.

“The foregoing are substantially the facts as presented by the findings.

“It is quite clear, we think, that unless we can treat the judgments of the Circuit Court in the first class of cases, and the orders of that Court in the second class of cases, directing the payments of the respective sums of money as *void*, we must hold the money paid by virtue of them to the Attorney-General of the State as a part of the public revenue. For in the one instance it was paid under judgments, and in the other instance under orders made and entered by the Court in actions regularly pending in it, and there prosecuted for the recovery of certain sums of money, to a person who appeared and was recognized as, and adjudicated to be, one of the attorneys for the plaintiffs; that is to say, the Attorney-General of the State. The jurisdiction of the Court over the parties and subject-matter is not questioned. Manifestly, therefore, it cannot be held that any judgment or order made by that Court, directing that the plaintiff recover a less sum than that claimed, is void. And not being void, it is conclusive upon us. Nor can we consider the right of the Attorney-General to appear as attorney for the people in the actions commenced by the Controller. The Court in which the cases were heard decided that he had the right so to appear, and recognized him as such attorney, and its judgment in that regard is as binding as in any other. So, too, with respect to the stipulations upon which the judgments in the one class of cases and the orders in the other class were made and entered. It is not for us to say that they were insufficient as a basis upon which to enter the judgments and orders. That was a matter for the Court having jurisdiction of the case, subject to correction on appeal if error was committed.

“We have therefore the case of an attorney who has received certain moneys under judgments and orders recovered by him in actions he was prosecuting. It legally follows, we think, that the money so received is the property of those whom he represented in receiving it.

“Let the writs issue as prayed for in so far as concerns the moneys received by the Attorney-General under the orders made in the cases prosecuted for the delinquent taxes for the fiscal years 1883-84 and 1884-85, and in so far as concerns the moneys by him received for the State under the judgments rendered in the actions prosecuted for the delinquent taxes for the fiscal years 1880-81, 1881-82, and 1882-83.”

The taxes for the fiscal years mentioned in the above opinion were due and payable in the years 1880, 1881, 1882, 1883, and 1884, as shown by statements 1, 2, 3, 4, and 5 of Appendix hereof.

The effect of the said decision was that the judgments therein referred to were held not void and that it was the duty of the State Controller to certify said moneys into the State Treasury. They were paid in, as set forth on page 7 hereof.

RECAPITULATION.

There are yet due and unpaid from the Southern Pacific and Central Pacific systems of roads, after giving credit for all sums of money paid in, on account of said taxes, the following sums:

State and county taxes, 1880, 1881, and 1882.....	\$416,252 28
State and county taxes, 1883.....	222,251 33
State and county taxes, 1884.....	323,852 49
Total.....	\$962,356 10

The above total does not include interest or penalties.

If the agreed judgments entered in the United States Circuit Court, in the cases transferred thereto, in reference to these taxes, and the settlement with Attorney-General Marshall are to be considered as binding and conclusive, it is questionable whether the State can ever recover any portion of the above amount of delinquent taxes by reassessment, for it cannot be said that the assessments were so void that the Legislature could of right direct or authorize a reassessment for those years.

I have nothing to add regarding Attorney-General Marshall's conduct in those cases; the statements made by Controller Dunn in his official reports regarding said litigation are a sufficient commentary thereon.

SECOND.

TAXES FOR THE YEARS 1885 TO 1887 INCLUSIVE, NO PART OF WHICH HAS BEEN PAID.

No portion of the taxes of 1885, 1886, and 1887, against the Central Pacific and Southern Pacific systems of roads operated in more than one county, has been paid. For the purpose of comparison I have prepared tabulated statements showing the mileage, assessed value per mile in the respective counties, and the amount of State and county taxes levied against the roads for the years above mentioned as well as for the years subsequent to 1887, which statements are numbered from 6 to 13, inclusive, in the Appendix hereof.

The State Controller, in his report for the thirty-eighth and thirty-ninth fiscal years, page 25, in reference to the taxes previous to and including the year 1887, declared:

"For all these years [from 1880 to 1887, inclusive] the Central and Southern Pacific Railroad Companies, and certain branches controlled by them, have refused, and still refuse, to pay the taxes levied upon them by law, and the very large amounts thus not collected have caused serious disarrangement to the finances of the State, and of the several counties through which they run. The total amount due from these companies, representing the face of the tax from 1883 to 1887, inclusive, aggregates \$2,547,700 61.

"This statement omits the amount due for 1880, 1881, and 1882, as this office has not the data for ascertaining the exact unpaid amounts.

"Actions were brought to recover the delinquent taxes for all these years [1880 to 1887, inclusive] except for 1887. But for this latter year, after advising with the Attorney-General [Geo. A. Johnson], none were begun.

"The history of these railroad tax suits is one presenting deceit, misrepresentation, and false and fraudulent records upon the part of the Central and Southern Pacific Companies. In the cases of 1884 against these companies, the United States Circuit Court findings show that the State Board of Equalization assessed to the railroads the fences along the lines of the roads, and also the distance across the bay of San Francisco, a distance of four miles of the railroads.

"No testimony was introduced on the trial to prove any such assessments. The State Board of Equalization did *not assess* either the fences or the distance across the bay of San Francisco, and yet, in the face of this fact, the then Attorney-General [E. C. Marshall] permitted this record to be made a part of the findings of the Court.

"It is a significant fact, in this connection, that the decision rendered against the State by the Supreme Court of the United States in a similar railroad tax case, was based upon the fact that the findings showed that the (former) State Board of Equalization had assessed the fences along the lines of the roads—thus putting these cases in the identical condition of those already decided against the State by the Supreme Court of the United States, and rendering it worse than useless to appeal them.

"In a letter addressed to the Attorney-General [E. C. Marshall], on the eighteenth day of June, 1886, I called his especial attention to the false condition of the record. This false and fraudulent record was, by him, allowed to remain as part of the record, without any attempt on his part, so far as I am aware, to correct it, even after his attention had been called to it by myself in a public communication.

"This false record was presented to the United States Supreme Court as a true statement of facts in the case. Of course, in view of the Supreme Court's previous decision, there could be but one result to an issue so presented, and the State lost her cases.

"In my last report I predicted this result in the following language: 'The false findings in the United States Circuit Court must be corrected, or the State will lose every cent of the taxes shown to be due. This office is powerless to accomplish it, as the United States Circuit Court recognizes only the Attorney-General as clothed with the right to control the cases. Can it be that a great State vested with all the attributes of inherent power and sovereignty can be thus pillaged of her rights without the possibility of undoing the outrage?'

"It is strange that the great State of California has been debarred by these companies from presenting to the Supreme Court of the United States for adjudication a correct and truthful record of her railroad assessments.

"The present head of the law department of these railroad companies has time after time given out publicly the statement that he was only too anxious to submit these cases on their merits to the Court of last resort; and yet the department over which he presides has resorted to the use of false and fraudulent records to mislead the Court, and *prevent* the cases from being heard on their merits.

"The effect of this successful legal chicanery makes itself felt severely in the finances of the State and the several interested counties, the total amount due for all the named years being the large sum of \$2,547,700 61. Of this amount there is due to the State the sum of \$946,765 81, of which \$556,615 44 is due to the General Fund; \$316,199 59 to the School Fund; \$69,778 80 to the Interest and Sinking Fund, and \$4,171 98 to the State University Fund.

In the report of ex-Controller Dunn last above referred to it is stated: "Actions were brought to recover the delinquent taxes for all these years, except for the year 1887; but for this latter year, after advising with the Attorney-General, none were commenced."

On the part of both Mr. Dunn and Mr. Johnson, the then Attorney-General, such non-action has proved, in my judgment, to have been a mistake; for if the Controller was correct in his conclusion that Attorney-General Marshall had not presented a case covering the facts, it is very strange that when another Attorney-General was in office the Controller should have deemed it unnecessary to bring new suits, by which the facts could have been presented as he claimed they existed, and a decision had on the merits. I presume, however, that Mr. Dunn had reasons which in his judgment warranted him in pursuing this course. The suits were eventually brought by Attorney-General Johnson, as hereinafter set out.

I am informed that at least 60 per cent of the taxes for 1885 and 1886 would have been paid into the State Treasury by the railroad companies had Mr. Dunn been willing to certify that proportion into the State Treasury *on account of said taxes*, but I understand he refused to do so.

From a perusal of Controller Dunn's reports I would infer and it is fair to presume that during the latter part of 1884 and the years of 1885 and 1886 Mr. Dunn and Mr. Marshall were so much taken up with their controversy over what was correct procedure in the railroad tax matters that the railroad companies were practically undisturbed and were not pushed in due season for the taxes of 1885 and 1886.

No doubt Mr. Dunn believed he was right and that it was for the best interests of the State not to receive partial payments on account of railroad taxes, and his refusal to certify such moneys into the State Treasury was probably based upon the idea that by such refusal the companies would be compelled to pay the full amount, and that to accept less than the full amount would be establishing a precedent permitting the companies to determine for themselves the amount of taxes they would pay without reference to any tax levy by the State. On the other hand, Attorney-General Marshall believed that whatever he received on account of the taxes would be so much gained for the State, and that the stipulations he had obtained warranted him taking such money, the same to be considered as payments on account; but unfortunately Mr. Marshall allowed judgments to be taken against the State, which were not void, and also allowed judgments for stipulated amounts, which of course could not be set aside, whatever the rights of the State may have been, which fully appears in the decision of the Supreme Court in *Rooney vs. Marshall, supra*. In my opinion, Mr. Marshall, as Attorney-General, was overreached in the matter of railroad tax litigation.

TAXES OF 1885.

Suits were brought by the People of the State, *ex rel.* Controller Dunn, against the Central Pacific Railroad and other companies, to recover the taxes of 1885. The cases were transferred to the United States Circuit Court for the Ninth Circuit, District of California, and judgments were rendered therein against the State in all the cases; stipulations were signed by the Attorney-General that four of the cases should abide the result of the decision of the Supreme Court of the United States in the suit of the *People vs. Central Pacific Railroad Company* which was then appealed. This was unfortunate for the State, for the point—assessment of a Federal franchise—involved in the case appealed was not involved in the four cases not appealed. The judgment in the case appealed being affirmed by the Court of last resort, the four cases mentioned were also affirmed by reason of said stipulation. Judgment was thus rendered against the People in all the tax suits for that year (1885); but when it was discovered that the decision of the United States Supreme Court in *People vs. Central Pacific Railroad* turned upon the question of the assessment by the State of a Federal franchise, it was agreed by Attorney-General Johnson and the attorneys for the railroad companies that the judgment entered in the case of the *People vs. San Pablo and Tulare Railroad Company*, one of the four cases, should be set aside and new findings drawn, presenting the question whether the Constitution of this State conflicts in any particular with the provisions of the Fourteenth Amendment of the Constitution of the United States, in reference to the taxation of railroads operated in more than one county. Such findings were submitted and judgment was entered thereon against the People, by Circuit Judge Sawyer; whereupon Attorney-General Johnson sued out a writ of error in said action to the Supreme Court of the United States, which action is still pending before that Court. The railroad company here consented to set aside a judgment in its favor in the San Pablo case in

order to present a case which would presumably test, in the United States Supreme Court, the constitutionality of our mode of taxation of railroads.

TAXES OF 1886.

In the meantime Attorney-General Johnson brought actions in the name of the People against the Southern and Central Pacific Railroads, and other companies, in the Superior Court of the City and County of San Francisco, for the taxes of 1886. The defendants were served; they appeared, and filed demurrers on various grounds, raising technical and constitutional objections. After argument, Judge Levy, before whom the cases were heard, sustained the demurrers, and the Attorney-General, instead of amending the complaints to cure the objections made by the demurrers, stood on the demurrers, and appealed to the Supreme Court of the State of California, where the cases were heard and determined. Decision was rendered by Mr. Justice Fox, and is reported in 83 Cal. 393. The State Supreme Court sustained the lower Court, holding that the form of complaint used was not good; that the statute allowing such a form of complaint was unconstitutional and was a special enactment prescribing a special mode of practice. This decision was rendered a few days preceding the time that the case of *People vs. San Pablo and Tulare Railroad Company* was reached for hearing by the United States Supreme Court, and upon a telegraphic communication of that decision to Washington, D. C., the latter Court declined to hear the case because of our Supreme Court refusing to sustain the action upon the form of complaint adopted for the recovery of the taxes of 1886. The people of this State were thereby prevented from obtaining a decision of the Supreme Court of the United States upon the question of conflict of our Constitution with the Federal Constitution in the provisions of the former regarding the mode of taxation of railroads operated in more than one county. Thus by either unforeseen or prearranged circumstances, the people of this State have not for a period of twelve years had the opportunity of presenting to the Supreme Court of the United States the merits of our Constitution in reference to the taxation of railroads operated in more than one county; and as matter of fact the Supreme Court of the United States, in pursuance of an invariable rule not to consider Federal constitutional questions where the State Supreme Court had virtually disposed of the matters involved upon statutory construction, still refuse to take up or pass upon the case of the *People vs. San Pablo and Tulare Railroad Company*, pending on writ of error in that Court, because of the decision of our Supreme Court in the case reported in 83 Cal., p. 393, affirming Judge Levy's decision as to the informality of the complaints filed to recover the taxes of 1886.

TAXES OF 1887.

Some two weeks before assuming my official duties I investigated the form of complaint which had been passed upon by the Supreme Court of this State in the case of *The People vs. C. P. R. Co.*, 83 Cal. 393. I found that the suits brought by my predecessor for taxes of 1887 were upon complaints similar in form to those adversely passed upon in the case cited, and I determined that a new form of complaint

should be adopted, in order that a decision of the Supreme Court of this State might be had upon the constitutional provisions of this State in reference to the assessment of railroads operated in more than one county, without being hampered by technicalities as to the form of the pleading. Accordingly, three days before taking office, I had new amended complaints filed by the associate counsel, for the taxes of 1887. These cases were briefed and submitted to the Hon. J. P. Hoge, one of the Superior Judges of the City and County of San Francisco, but he died before passing upon the demurrers interposed by defendants. His successor, Judge Hebbard, heard argument upon the demurrers, and, after due consideration, overruled them.

The trial of the suits for these taxes was commenced before Judge Hebbard of the Superior Court of the City and County of San Francisco, on the 9th day of January 1893, and will be taken up for argument before the Court on the 19th instant.

The Central Pacific Railroad Company and the Southern Pacific Railroad Company defend the actions on the ground that the Federal franchise was included in the assessment for the taxes of 1887; the defense in the suits brought against the other roads, four in number, being that the provisions of the State Constitution regarding the taxation of railroads operated in more than one county are null and void, for the reason that there is no provision for the deduction of mortgages upon said roads.

From my examination of these questions I am certain that the provisions of our Constitution upon the subject of railroad taxation are not in violation of the Federal Constitution; and on this point, for your convenience I refer to and quote from the following decisions:

In the *Kentucky Railroad Tax Cases*, 115 U. S. 337, the authority of the Legislature to classify property for the purpose of taxation is sustained; and it is said that:

"The rule of equality in respect to the subject only requires the same means and methods to be applied impartially to all the constituents of each class, so that the law shall operate equally and uniformly upon all persons in similar circumstances."

It is true that the Kentucky statute places all railroads in one class, distinct from the property of other corporations, for the purpose of taxation, but the right to classify property for that purpose is sanctioned by that decision, and the decision places no restriction on the discretion of the Legislature, as to the basis upon which different classes may be constituted.

It is stated in the opinion, page 337, that there is nothing in the Constitution of Kentucky that requires taxes to be levied by a uniform method upon all descriptions of property. Neither is there anything in the Constitution of California requiring uniformity of method in levying taxes.

In that opinion it is further stated that "the whole matter is left to the discretion of the legislative power, and there is nothing to forbid the classification of property for the purposes of taxation and the valuation of different classes by different methods."

The same can be said of the Constitution of this State; and when the Constitution itself has made railroads operated in more than one county a class for one purpose—for the purpose of assessment—there is nothing unreasonable in the Legislature adopting that classification in the further proceedings connected with the levying and collection of taxes.

The authority to enact laws applicable to a class is sustained in *Abeel et al. vs. Clark*, 84 Cal. 226, where the law was upheld as being constitutional, which provided for the vaccination of children attending the public schools, and for the exclusion therefrom of unvaccinated children. It is said in the opinion, page 213, that, "An act to be general in its scope need not include all classes of individuals in the State; it answers the constitutional requirement if it relates to and operates uniformly upon the whole of any single class."

In *Pullman's Car Company vs. Pennsylvania*, 141 U. S. 18, the Court said:

"In the *State Railroad Tax Cases*, 92 U. S. 575, it was adjudged that a statute of Illinois, by which a tax on the entire taxable property of a railroad corporation, including its rolling stock, capital, and franchise, was assessed by the State Board of Equalization, and was collected in each municipality in proportion to the length of the road within it, was lawful, and not in conflict with the Constitution of the State, and Mr. Justice Miller, delivering judgment, said:

"Another objection to the system of taxation by the State is, that the rolling stock, capital stock, and franchise are personal property, and that this, with all other personal property, has a local *situs* at the principal place of business of the corporation, and can be taxed by no other county, city, or town but the one where it is so situated. This objection is based upon the general rule of law that personal property, as to its *situs*, follows the domicile of its owner. It may be doubted, very reasonably, whether such a rule can be applied to a railroad corporation as between the different localities embraced by its line of road. But, after all, the rule is merely the law of the State which recognizes it; and when it is called into operation as to property located in one State and owned by a resident of another, it is a rule of comity in the former State rather than an absolute principle in all cases. (*Green vs. Von Buskirk*, 5 Wall. 312.) Like all other laws of a State it is therefore subject to legislative repeal, modification, or limitation; and when the Legislature of Illinois declared that it should not prevail in assessing personal property of railroad companies for taxation, it simply exercised an ordinary function of legislation. (92 U. S. 607, 608.)

"It is further objected that the railroad track, capital stock, and franchise is not assessed in each county where it lies, according to its value there, but according to an aggregate value of the whole, on which each county, city, and town collects taxes according to the length of the track within its limits. It may well be doubted whether any better mode of determining the value of that portion of the track within any one county has been devised, than to ascertain the value of the whole road, and apportion the value' (not the property) 'within the county by its relative length to the whole. This Court has expressly held in two cases, where the road of a corporation ran through different States, that a tax upon the income or franchise of the road was properly apportioned by taking the whole income, or value of the franchise, and the length of the road within each State, as the basis of taxation.' (*Delaware Railroad Tax*, 18 Wall. 206; *Erie Railroad vs. Pennsylvania*, 21 Wall. 492; 92 U. S. 608, 611.)"

In the case of *Pacific Express Co. vs. Seibert, State Auditor, et al.*, decided by the United States Supreme Court, January 4, 1892, and reported in Vol. 142 of U. S. Reports, page 339, said doctrine is again affirmed and laid down. At page 253, the Court say:

"This Court has repeatedly laid down the doctrine that diversity of taxation, both with respect to the amount imposed and the various species of property selected, either for bearing its burdens or for being exempt from them, is not inconsistent with a perfect uniformity and equality of taxation in the proper sense of those terms. * * *

"The rules of taxation, in this respect, were well stated in the opinion of the Court, delivered by Mr. Justice Bradley, *Railroad Company vs. Pennsylvania*, 134 U. S. 232, 237, 10 Sup. Ct. Rep. 533, as follows:

"The provision in the fourteenth amendment, that no State shall deny to any person within its jurisdiction the equal protection of the laws, was not intended to prevent a State from adjusting its system of taxation in all proper and reasonable ways. It may, if it chooses, exempt certain classes of property from any taxation at all, such as churches, libraries, and the property of charitable institutions. It may impose different specific taxes upon different trades and professions, and may vary the rates of excise upon various products. It may tax real estate and personal property in a different manner. It may tax visible property only, and not tax securities for payment of money. It may allow deductions for indebtedness, or not allow them. * * * It would, however, be impracticable and unwise to attempt to lay down any general rule or definition on the subject that would include all cases. They must be decided as they arise. We think that we are safe in saying that the fourteenth amendment was not intended to compel the State to adopt an iron rule of equal taxation. If that were its

proper construction, it would not only supersede all those constitutional provisions and laws of some of the States whose object is to secure equality of taxation, and which are usually accompanied with qualifications deemed material, but it would render nugatory those discriminations which the best interests of society require, which are necessary for the encouragement of needed and useful industries and the discouragement of intemperance and vice, and which every State, in one form or another, deems it expedient to adopt.'

"In the case of *Insurance Company vs. New York*, 134 U. S., 594, 606, 607, 10 Sup. Ct. Rep. 593, the Court, speaking through Mr. Justice Field, said: 'But the amendment (the fourteenth) does not prevent the classification of property for taxation—subjecting one kind of property to one rate of taxation, and another kind of property to a different rate—distinguishing between franchises, licenses, and privileges, and visible and tangible property, and between real and personal property. Nor does the amendment prohibit special legislation. Indeed, the greater part of all legislation is special, either in the extent to which it operates, or the objects sought to be obtained by it; and when such legislation applies to artificial bodies, it is not open to objection if all such bodies are treated alike, under similar circumstances and conditions, in respect to the privileges conferred upon them and the liabilities to which they are subjected. Under the statute of New York, all corporations, joint-stock companies, and associations of the same kind are subjected to the same tax. There is the same rule applicable to all, under the same conditions, in determining the rate of taxation. There is no discrimination in favor of one against another of the same class.' Citing a long list of authorities."

The face of total taxes due and unpaid for the years 1885, 1886, and 1887, by the Central and Southern Pacific systems is as follows:

1885.....	\$715,363 93
1886.....	648,957 05
1887.....	647,439 20
Total	\$2,011,760 18

Diffrence between this amount and that mentioned in Controller's report for forty-second and forty-third fiscal years, page 29, is made up as follows, viz.: Taxes of North Pacific Coast Railroad for 1885, \$5,339 38; for 1886, \$15,602 17; making in all \$20,941 51 improperly included or charged to the Southern Pacific system of railroads.

THIRD.

TAXES FROM 1888 TO 1892, INCLUSIVE; PAID IN FULL.

Since 1887 the railroad companies have not claimed that the Federal franchise has been assessed, and, by reason of the foregoing authorities, they have also practically abandoned the defense of conflict of the State Constitution with the fourteenth amendment to the Federal Constitution, in reference to the assessment of railroads operated in more than one county and in reference to the deduction of railroad mortgages, as fully shown from the fact that the companies have promptly and fully paid all taxes levied since 1887.

In view of the decisions above cited and the offer of the Railroads, through their attorney, Mr. Craig, to pay in full all taxes, penalties, interest, and costs in the case of *People vs. San Pablo and Tulare Railroad Company*, now pending in the United States Supreme Court, I think that litigation in this State arising out of the levy of taxes upon railroads is practically ended, except as to the taxes remaining unpaid. If an adjustment of these taxes can be made, the people will no longer be burdened with litigation in reference to taxation of railroad companies.

CONCLUDING OBSERVATIONS.

The companies insist that previous to 1887 the Federal franchises were included in the assessment, and hence invalidated all assessments made by the State Board of Equalization. This, however, can apply only to the "Central Pacific Railroad Company" and "Southern Pacific Railroad Company" roads proper, for they are the only railroad corporations in California which ever had or claimed a Federal franchise. None of the branches or roads of other corporations operated by these companies in this State ever had a Federal franchise; no defense of that character was ever made to any of the suits brought for taxes levied upon said branch roads. It may therefore be considered strange that my predecessors should have permitted the question of the taxation of a Federal franchise to interfere with the suits brought against the branch roads of the Southern Pacific and Central Pacific systems.

The companies also contend that previous to 1887 they were assessed at too great a value per mile for the number of miles of road within the State. Therefore, I have prepared a table showing the total assessed value of all property in the State for each year from 1880 to 1892, inclusive; also the total assessed value of the railroad companies for those years and the proportion of the valuation of railroads as compared with the assessed value of all the property in the State, together with the State rate of taxes, viz.:

STATEMENT

Showing the total assessed value of all property assessed in the State, and what portion thereof was assessed to railroads and the percentage of the railroad assessments as compared with the whole.

Year.	State Rate of Taxation.	Total Assessed Value of all Property in the State.	Total Assessed Value of all Railroads in the State.	Percentage of Railroad Assess- ments.
1880 -----	.64	\$666,202,674 00	\$31,174,120 00	4.68
1881 -----	.655	658,691,059 00	34,829,668 00	5.29
1882 -----	.596	607,472,762 00	27,602,313 00	4.54
1883 -----	.497	764,763,559 00	40,017,000 00	5.23
1884 -----	.452	821,604,703 00	50,746,500 00	6.1
1885 -----	.544	859,779,423 00	49,035,750 00	5.7
1886 -----	.56	817,445,729 00	48,051,100 00	5.8
1887 -----	.608	956,740,805 00	47,673,453 00	4.9
1888 -----	.504	1,107,952,700 00	43,242,652 00	3.90
1889 -----	.722	1,111,550,979 00	40,488,652 00	3.64
1890 -----	.58	1,101,137,290 00	40,198,652 00	3.64
1891 -----	.446	1,239,647,063 00	41,414,000 00	3.34
1892 -----	.434	1,275,816,228 00	41,976,000 00	3.29

[NOTE.—See Controller's Report for 1888, pages 21 to 27. The above includes all railroads then in the State other than street car lines.]

The statement following shows the total taxes of the Central Pacific and Southern Pacific systems of railroad from 1880 to 1892, including county taxes, except for the years 1880, 1881, and 1882:

Year.	State Tax.	County Tax.	Total.
1880	\$181,364 90	*	-----
1881	212,413 34	*	-----
1882	151,871 53	*	-----
1883	176,435 00	\$375,104 75	\$551,539 75
1884	209,050 00	444,323 12	653,373 12
1885	240,448 00	474,915 93	715,363 93
1886	238,560 00	410,397 05	648,957 05
1887	253,232 00	394,207 20	647,439 20
1888	174,510 00	302,116 90	476,626 90
1889	245,480 00	314,876 21	560,356 21
1890	194,300 00	313,918 07	508,218 07
1891	151,640 00	342,793 66	494,433 66
1892	147,047 88	326,651 52	473,699 40
Totals	\$2,576,352 65	\$3,696,304 41	\$6,272,657 06

* Unable to give; no records in office of Controller or State Board of Equalization on this subject. The county taxes levied upon said roads for these three years are estimated to aggregate \$1,147,700. A portion of such taxes were paid under settlements and compromises made with Boards of Supervisors of various counties, as set forth on page 5 hereof. I have, however, in this report stated the correct amount of both State and county taxes remaining unpaid for each year.

The following tables show the years the roads were assessed, the mileage operated, amount of assessed value per mile, total assessment, total tax of each railroad separately, and State rate of taxation:

California Pacific Railroad.

Year.	Miles Operated.	Amount Assessed per Mile.	Total Assessment.	Total Taxes.	State Rate of Taxation on each \$100.	Remarks.
1880	112.50	-----	\$1,801,300	-----	.64	Compromised by E. C. Marshall.
1881	112.50	-----	1,856,250	-----	.65½	
1882	112.50	-----	1,462,500	-----	.596	
1883	112.50	\$29,889 40	1,800,000	\$25,967 61	.497	
1884	112.50	24,000 00	2,000,000	27,801 70	.452	Not paid.
1885	112.50	17,777 77	2,000,000	28,859 21	.544	
1886	112.50	17,777 77	2,000,000	28,985 57	.56	Not paid.
1887	112.50	22,222 22	2,500,000	37,015 45	.608	Not paid.
1888	112.50	22,222 22	2,500,000	33,623 22	.504	Paid.
1889	112.50	22,222 22	2,500,000	38,994 14	.722	Paid.
1890	112.50	22,222 22	2,500,000	35,037 24	.58	Paid.
1891	112.50	22,222 22	2,500,000	31,791 52	.446	Paid.
1892	112.50	17,777 77	2,000,000	23,795 92	.434	First installm't paid.

Central Pacific Railroad.

Year.	Miles Operated.	Amount Assessed per Mile.	Total Assessment.	Total Taxes.	State Rate of Taxation on each \$100.	
1880	-----	-----	\$12,239,456	-----	.64	} Compromised by E. C. Marshall.
1881	-----	-----	15,055,500	-----	.65 $\frac{1}{2}$	
1882	-----	-----	13,010,520	-----	.596	
1883	602.22	\$29,889 40	18,000,000	\$276,865 10	.497	
1884	626.22	38,312 95	24,000,000	339,956 61	.452	
1885	640.68	34,338 51	22,000,000	375,013 61	.544	
1886	640.68	31,216 83	20,000,000	315,048 04	.56	
1887	719.15	25,017 37	18,000,000	295,740 71	.608	
1888	747.14	20,076 55	15,000,000	218,312 76	.504	
1889	746.76	17,408 53	13,000,000	222,401 35	.722	
1890	746.76	17,408 53	13,000,000	205,421 43	.58	----- Not paid.
1891	746.76	17,408 53	13,000,000	193,584 88	.446	----- Not paid.
1892	746.76	17,408 53	13,000,000	191,410 32	.434	----- Not paid.
						First installm't paid.

Northern Railway.

1880	-----	-----	\$1,492,758	-----	.64	} Compromised by E.C. Marshall.
1881	-----	-----	1,543,050	-----	.65 $\frac{1}{2}$	
1882	-----	-----	1,143,000	-----	.596	
1883	148.40	\$13,477 08	2,000,000	\$28,955 23	.497	
1884	148.40	15,498 65	2,300,000	30,680 21	.452	
1885	148.40	15,498 65	2,300,000	31,499 95	.544	
1886	148.40	18,194 07	2,700,000	37,211 95	.56	
1887	148.40	20,215 63	3,000,000	41,483 45	.608	
1888	148.40	14,993 26	2,225,000	27,640 09	.504	
1889	385.25	9,085 00	3,500,000	54,080 56	.722	----- Paid.
1890	385.25	7,789 15	3,000,000	41,278 71	.58	----- Paid.
1891	385.25	7,787 15	3,000,000	39,918 46	.446	----- Paid.
1892	385.25	8,000 00	3,082,000	40,037 74	.434	First installm't paid.

San Pablo and Tulare Railroad.

1880	46.00	-----	\$492,800	-----	.64	} Compromised by E. C. Marshall.
1881	46.00	-----	552,000	-----	.65 $\frac{1}{2}$	
1882	46.00	-----	460,000	-----	.596	
1883	46.00	\$15,217 39	700,000	\$10,074 76	.497	
1884	46.00	20,652 17	950,000	10,383 90	.452	
1885	46.00	19,565 21	900,000	10,702 17	.544	
1886	46.00	19,564 21	900,000	11,187 38	.56	
1887	46.00	19,565 21	900,000	11,886 85	.608	
1888	46.00	19,565 21	900,000	10,294 23	.504	
1889*	-----	-----	-----	-----	-----	----- Paid.

*Absorbed by Southern Pacific.

Southern Pacific Railroad.

1880	-----	-----	\$10,483,518	-----	.64	} Compromised by E. C. Marshall.
1881	-----	-----	11,739,915	-----	.65 $\frac{1}{2}$	
1882	-----	-----	8,226,135	-----	.596	
1883	870.74	\$14,929 82	13,000,000	\$209,677 15	.497	
1884	957.02	17,763 47	17,000,000	244,550 70	.452	
1885	957.02	17,763 47	17,000,000	269,289 13	.544	
1886	957.02	17,763 47	17,000,000	256,524 11	.56	
1887	1,022.33	16,139 60	16,500,000	251,134 26	.608	
1888	1,022.35	13,694 20	14,000,000	186,756 60	.504	
1889	1,493.77	10,041 70	15,000,000	244,880 16	.722	----- Paid.
1890	1,522 50	9,852 21	15,000,000	226,480 69	.58	----- Paid.
1891	1,654 87	9,366 29	15,500,000	229,138 80	.446	----- Paid.
1892	1,701.40	9,286 47	15,800,000	218,455 42	.434	First installm't paid.

South Pacific Coast Railroad.

Year.	Miles Operated.	Amount Assessed per Mile.	Total Assessment.	Total Taxes.	State Rate of Taxation on each \$100.	
1887....	45.30	\$16,556 29	\$750,000	\$10,178 48	.608	Not paid.

SUMMARY.

I.

The total amount of State and county taxes due from the Southern Pacific and Central Pacific railroad systems on account of the face of the taxes remaining unpaid is as follows:

State and county taxes for 1880, 1881, and 1882.....	\$416,252 28
State and county taxes for 1883	222,251 33
State and county taxes for 1884	323,852 49
State and county taxes for 1885	715,363 93
State and county taxes for 1886	648,957 05
State and county taxes for 1887	647,439 20
Total.....	\$2,974,116 28

Which does not include interest, penalties, or costs.

Of the above total, \$962,356 10 is the sum remaining unpaid for taxes for the years 1880 to 1884, inclusive, after acceptance of the compromise money covering those taxes by Attorney-General Marshall. As to whether this sum is beyond recovery by a reassessment is hereinbefore fully discussed. If an Act is passed authorizing a final and legal settlement the companies would probably pay 30 per cent of the above amount, which would make in the aggregate 67 per cent of the whole amount levied for those years.

The balance is \$2,011,760 18, being face of total taxes for the years 1885, 1886, and 1887, no part of which has been paid.

II.

There are three feasible ways, in my judgment, in which to dispose of these questions: 1. The Legislature can pass an Act authorizing the Attorney-General to accept not less than a certain sum in satisfaction of all claims the State may have for delinquent taxes. 2. The Legislature can pass an Act declaring the exact amount to be accepted in full satisfaction for all back taxes. 3. By a reassessment bill providing for the reassessment of railroads for the years of their default, 1880 to 1887, inclusive.

In the event of the enactment of a reassessment statute, it should not apply to those years solely, for such an Act would, in my opinion, be unconstitutional, in view of the ruling laid down by the Supreme Court in *Bourn vs. Hart et al.*, 93 Cal. 321; and see, also, *ex parte Westerfeld*, 55 Cal. 550; Subdivisions 10 and 33 of Section 25, Article IV, State Constitution. Such Act should be general in terms, applying to all property that has escaped taxation by reason of the irregularities or defects mentioned in the bill, since the adoption of the new Constitution, and should apply to the future as well as the past. Provision ought

also to be made whereby the companies would be credited with all sums paid on account of such delinquent taxes, and a day should be fixed in the bill on which such reassessment is to be made, and should provide for the issuing and serving of due notice to persons and corporations to be reassessed, and requiring from them a statement of property for the years for which the reassessment is to be made, also fixing penalties for failure to furnish such statements. In other words, a reassessment bill should be as complete as to reassessments as the Political Code is now in its provisions for assessing property. Such statute should be made a part of said Code, in order that the law and all proceedings thereunder should be liberally construed. If the reassessment law is in the shape of a separate statute, it must be strictly construed; the rule of liberal construction applies only to the Codes. It should provide also for penalties, interest, and costs, without reference to any other statute. That is to say, the Act should be complete in itself for the carrying out of the objects intended; and it should be thereby enacted that the judgment of any Court declaring an assessment invalid will be sufficient jurisdictional ground for the reassessment. The bill also should designate the Board or officer making the assessment.

Many serious questions may arise in regard to such reassessment; among which I will specify: In making the reassessment, should the rate of taxation be the same as fixed for the year in which such reassessment is made, or should it be the rate for the respective years in which the assessments have been held invalid? The latter rate would yield a much larger sum than the former. Is there any mode, through reassessment, whereby the people may recover from these corporations the interest upon the taxes from the time they should have been paid, if properly assessed originally, up to the time of payment? What notice should be given and what statements required? Will a reassessment bill give to the people as much money as an Act of the Legislature authorizing a settlement of these taxes?

As before stated, the railroad companies have offered to pay \$1,207,-056, being 60 per cent of the taxes of 1885, 1886, and 1887.

My opinion is that the taxes for 1887 can be collected in full, in the actions before the Superior Court of San Francisco, Department 4, wherein the trials of the suits to recover the same are in progress.

If the Legislature will authorize the receipt of the above or greater sum in settlement, with 7 per cent interest from the day the taxes became delinquent, the companies will doubtless accept the proposition. Such a settlement could be effected within a short period, whereas if reassessment is alone relied on there is no assurance that the companies will pay; they may continue the litigation for years, as they have previously done, and the people be further balked and delayed in the receipt of these State and county revenues justly collectible and unreasonably in default.

In view of the fact that the State has already been defeated in all the suits for the taxes of 1885 and 1886, excepting the San Pablo and Tulare case in the United States Supreme Court, and the further fact that the railroad companies have paid taxes in full since 1887, and that there is now no doubt as to the validity of our Constitution concerning the taxation of railroads operated in more than one county, and considering that it is possible to end pending litigation in reference thereto, would it not be better for the people at this time to obtain a reasonable settle-

ment, thereby putting money into the State and county treasuries for immediate public use, than to wait perhaps many months to effect any result by means of a reassessment of the roads and litigation thereunder? I think that the following is the best course to pursue in the settlement of this vexatious question:

1. That a joint committee of Senate and Assembly be appointed, to which committee all bills upon the subject should be referred. That the committee examine the subject-matter involved, and report to both houses the result of the committee's consideration, which should include whether the State can obtain more of these delinquent tax moneys by settlement than by reassessment.

2. That two bills ought to be passed, one authorizing the Attorney-General to accept not less than a certain sum, to be fixed by the Legislature, for a release by the State of all claims for these taxes, and also a perfect bill providing for a reassessment, so that in the event a settlement is not obtainable a valid reassessment may be made.

From a perusal of the statements and tables appearing herein the members of the Legislature should be enabled to determine whether or not the companies have any moral or equitable grounds for objection to the assessments made for the years 1885, 1886, and 1887. It must be remembered, however, that the roads are of but little greater value now than at the time the assessments were made, while other property in the State has largely increased in value since 1887; it follows that taxes on railroads are relatively less now than they were in those years.

Respectfully, your obedient servant,

WM. H. H. HART,
Attorney-General.

APPENDIX.

STATEMENT No. 1.

Showing the Assessed Value of each railroad of the Central Pacific System, and the Tax Levied for State purposes against each road, for the year 1880.

Names of Railroads.	Total Assessment.	Amount of Tax for State Purposes.
California Pacific	\$1,801,300 00	\$11,528 32
Central Pacific	12,239,456 00	78,332 52
Northern Railway	1,492,758 00	9,553 65
Sacramento and Placerville	539,098 00	3,450 23
San Pablo and Tulare	492,800 00	3,153 92
Southern Pacific	10,483,518 00	67,094 52
Stockton and Copperopolis	597,632 00	3,824 84
Vaca Valley and Clear Lake	249,725 00	1,598 24
Totals	\$27,896,287 00	\$178,536 24

STATEMENT No. 2.

Showing the Assessment of the Railroads under the Central Pacific System, for the year 1881, giving the Counties through which the Roads Run.

	Value of Property Delinquent for Taxes.	Amount of Delinquent Tax for State Purposes.
California Pacific	\$1,856,250 00	\$12,158 44
Napa, Sacramento, and Yolo:		
Central Pacific	15,055,500 00	98,613 53
Alameda, Butte, Fresno, Merced, Nevada, Placer, Sacramento, San Francisco, San Joaquin, Santa Clara, Shasta, Sierra, Stanislaus, Sutter, Tehama, Tulare, and Yuba.		
Northern Railway	1,543,050 00	10,106 98
Alameda, Colusa, Contra Costa, Solano, Tehama, and Yolo.		
San Pablo and Tulare	552,000 00	3,615 60
Alameda, Contra Costa, and San Joaquin.		
Southern Pacific	11,739,915 00	76,896 44
Fresno, Kern, Los Angeles, Monterey, San Benito, San Bernardino, San Diego, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Tulare.		
	\$30,746,715 00	\$201,390 99

NOTE.—Amount of delinquent tax for county purposes not obtainable.

STATEMENT No. 3.

Showing the Assessed Value of each Railroad of the Central Pacific System, and the Tax Levied for State purposes against each road, for the year 1882.

Names of Railroads.	Total Assessment.	Amount of Tax for State Purposes.
California Pacific	\$1,462,500 00	\$8,716 50
Central Pacific	13,010,520 00	77,542 70
Northern Railway	1,143,000 00	6,812 28
Sacramento and Placerville	291,048 00	1,734 65
San Pablo and Tulare	460,000 00	2,741 60
Southern Pacific	8,226,135 00	49,027 74
Stockton and Copperopolis	379,355 00	2,260 95
Vaca Valley and Clear Lake	246,925 00	1,471 67
Totals	\$25,219,483 00	\$150,308 09

NOTE. —Amount of delinquent tax for county purposes not obtainable.

STATEMENT No. 4—TAXES OF 1883.

Showing Mileage in State and in Each County; Assessed Value per Mile and in Gross in State and Each County; Amount of State and County Taxes respectively; Amount and by whom collected and Paid into State and County Treasury.

Names of Railroads, and of Counties Through Which They Run.	Number of Miles of each Railroad Operated in the State.	Number of Miles of each Railroad in each County.	Assessed Value per Mile.	Value of Property Delinquent for Taxes.	Amount Delinquent in each County.	Amount of Delinquent Tax for State purposes.	Amount of Delinquent Tax for County purposes.	Total delinquent tax on Assessments made by the State Board of Equalization.
California Pacific Railroad	112.50		\$16,000 00	\$1,800,000 00		\$8,946 00		
Napa		41.00			\$656,000 00		\$6,430 19	
Sacramento		.50			8,000 00		52 24	
Solano		40.00			640,000 00		6,897 20	
Yolo		31.00			496,000 00		3,671 98	\$25,967 61
Central Pacific Railroad	602.22		29,889 40	18,000,000 00		89,460 00		
Alameda		83.52			\$2,496,363 00		17,108 11	
Butte		45.00			1,345,023 00		13,490 58	
Fresno		61.06			1,825,047 00		23,780 36	
Merced		36.75			1,098,436 00		11,017 31	
Nevada		30.25			904,155 00		14,493 60	
Placer		112.75			3,370,031 00		35,486 42	
Sacramento		41.00			1,225,466 00		9,728 42	
San Francisco		4.00			119,558 00		1,434 69	
San Joaquin		56.75			1,696,224 00		8,532 00	
Santa Clara		8.50			254,060 00		2,295 89	
Shasta		18.80			561,921 00		15,469 68	
Sierra		2.15			64,262 00		1,479 95	
Stanislaus		22.63			676,397 00		3,402 27	
Sutter		10.00			298,894 00		2,997 90	
Tehama		40.54			1,211,717 00		12,759 38	
Tulare		12.65			378,101 00		4,359 50	
Yuba		15.87			474,345 00		9,569 04	276,865 10
Northern Railway	148.40		13,477 08	2,000,000 00		9,940 00		
Alameda		6.85			\$92,318 00		567 12	
Colusa		62.81			846,496 00		8,067 10	
Contra Costa		23.75			326,081 00		3,370 45	
Solano		16.95			228,437 00		2,451 12	

Tehama	17.29				233,019 00			2,453 69	28,955 23
Yolo	20.75				279,649 00			2,105 75	
San Pablo and Tulare Railroad	46.00			15,217 39		700,000 00	3,479 00		
Alameda								160 41	
Contra Costa	36.10							5,784 63	
San Joaquin	8.50							650 62	10,074 66
Southern Pacific Railroad	870.74			14,929 82		13,000,000 00	64,610 00		
Fresno								3,488 02	
Kern	17.93							26,418 46	
Los Angeles	153.47							19,016 03	
Monterey	142.48							8,115 23	
San Benito	49.28							3,170 03	
San Bernardino	17.65							27,803 37	
San Diego	175.19							32,158 93	
San Francisco	158.85							1,318 60	
San Mateo	7.36							4,320 74	
Santa Clara	25.10							8,170 21	
Santa Cruz	59.30							418 24	
Tulare	2.15							10,069 29	
Totals	1,779.86					\$35,500,000 00	\$176,435 00	\$375,104 75	209,677 15
									\$551,539 75

STATEMENT No. 5.—TAXES OF 1884.

Showing Mileage in State and in each County; Assessed Value Per Mile and in Gross in State and in each County; Amount of State and County Taxes respectively; Amount and by whom Collected and Paid into State and County Treasury, and the Amounts Remaining Unpaid.

Names of Railroads and of Counties Through Which They Run.	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value Per Mile.	Value of Property Delinquent for Taxes.	Amount Delinquent in Each County.	Amount of Tax Levied for State Purposes.	Amount of Tax Levied for County Purposes.	Amount of Tax Purposes Received from E. C. Marshall, Atty-Gen.	Amount of Tax Purposes Received from E. C. Marshall, Atty-Gen.	Balance Due of Tax Levied for State Purposes.	Balance Due of Tax Levied for County Purposes.
Cal. Pacific R. R.	112.50		\$24,000 00	\$2,000,000	\$728,889	\$9,040		\$4,610 40		\$4,429 60	
Napa		41.00			3,199,898				\$3,740 40		\$4,554 40
Sacramento		50			1,724,083				20 31		32 84
Solano		40.00			2,339,389				2,862 74		2,750 46
Yolo		31.00			551,111				1,938 24		1,862 22
Central Pacific R. R.	626.42		38,312 95	24,000,000		108,480		52,833 60		55,646 40	
Alameda		83.52			3,199,898				9,691 44		9,311 38
Butte		45.00			1,724,083				8,743 98		8,401 07
Fresno		61.06			2,339,389				10,117 38		9,720 63
Merced		36.75			1,408,001				6,089 31		5,850 53
Nevada		30.25			1,158,967				11,514 10		11,062 57
Placer		112.75			4,319,785				19,783 75		19,007 91
Sacramento		41.00			1,570,831				4,717 45		6,888 69
San Francisco		4.00			153,252				879 28		844 80
San Joaquin		56.75			2,174,260				4,363 57		4,192 45
Santa Clara		8.50			325,930				1,170 65		1,124 74
Shasta		43.00			1,647,457				15,106 85		14,514 42
Sierra		2.15			82,373				860 37		826 62
Stanislaus		22.63			867,022				2,644 24		2,540 55
Sutter		10.00			383,129				1,070 77		1,028 77
Tehama		40.54			1,553,207				13,795 97		13,254 94
Tulare		12.65			484,659				2,343 23		2,251 83
Yuba		15.87			608,027				3,959 06		3,803 81
Northern Railway	148.40		15,498 65	2,300,000		10,396		5,301 96		5,094 04	
Alameda		6.85			106,166				290 79		279 37
Colusa		62.81			973,470				4,210 06		4,044 96
Contra Costa		23.75			368,093				1,310 34		1,258 95
Solano		16.95			262,702				1,046 03		1,005 00
Tehama		17.29			267,972				2,388 92		2,295 23
Yolo		20.75			321,597				1,098 83		1,055 73

San Pablo and Tulare Railroad	46.00	20,652 17	950,000	4,294	2,189 94	2,104 06	91 80 2,549 90 342 34
Alameda		1.40	28,913				
Contra Costa		36.10	745,543				
San Joaquin		8.50	175,544				
Southern Pacific R.R.	957.02	17,763 47	17,000,000	70,840	39,188 40	37,651 60	
Fresno		17.43	309,617				1,286 51
Kern		153.47	2,726,160				16,003 10
Los Angeles		142.48	2,530,940				7,860 58
Monterey		49.28	875,384				3,422 93
San Benito		17.65	313,525				1,506 56
San Bernardino		261.47	4,644,616				22,713 10
San Diego		158.85	2,821,728				17,034 21
San Francisco		7.36	130,739				720 70
San Mateo		25.10	445,863				2,398 84
Santa Clara		59.30	1,053,374				3,724 59
Santa Cruz		2.15	38,192				261 63
Tulare		62.48	1,109,862				5,155 54
Totals	1,904.60	1,904.60	\$46,250,000	\$209,050	\$104,124 30	\$104,925 70	\$218,926 70

STATEMENT No. 6—TAXES OF 1885.

Showing Assessed Value of Railroads for the year 1885, and the Amount of Taxes for State and County Purposes Delinquent on Railroads, Assessed by State Board of Equalization.

Name of Railroads, and Counties Through Which They Run.	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value per Mile.	Value of Property Delinquent for Taxes.	Amount of Assessed Value and Delinquent Tax in Each County.	Amount of Delinquent Tax for State Purposes.	Amount of Delinquent Tax for County Purposes.	Total Tax.
California Pacific Railroad	112.50		\$17,777 77	\$2,000,000 00	\$728,889 00	\$10,880 00	\$8,962 19	
Napa		41.00			8,889 00		62 76	
Sacramento		.50			711,111 00		5,376 00	
Solano		40.00			551,111 00		3,578 26	\$28,859 21
Yolo		31.00						
Central Pacific Railroad	640.68		34,338 51	22,000,000 00		119,680 00		
Alameda		83.52			2,867,953 00		23,654 47	
Butte		45.00			1,545,233 00		15,481 52	
Fresno		61.06			2,096,710 00		24,237 97	
Merced		36.75			1,261,940 00		15,849 97	
Nevada		30.25			1,038,740 00		20,317 75	
Placer		112.75			3,871,668 00		54,048 49	
Sacramento		41.00			1,407,879 00		12,583 69	
San Francisco		2.46			84,473 00		886 04	
San Joaquin		56.75			1,948,711 00		10,727 14	
Santa Clara		8.50			291,877 00		1,802 25	
Shasta		58.80			2,019,105 00		34,445 93	
Sierra		2.15			73,828 00		1,665 55	
Stanislaus		22.63			777,081 00		5,186 10	
Sutter		10.00			343,385 00		2,080 91	
Tehama		40.54			1,392,083 00		20,176 00	
Tulare		12.65			434,382 00		4,152 69	
Yuba		15.87			544,952 00		8,037 00	375,013 47
Northern Railway	148.40		15,498 65	2,300,000 00		12,512 00		
Alameda		6.85			106,166 00		785 18	
Colusa		62.81			973,470 00		7,846 16	
Contra Costa		23.75			368,063 00		2,359 25	
Solano		16.95			262,702 00		1,986 02	
Tehama		17.23			267,972 00		3,901 67	
Yolo		20.75			321,597 00		2,109 67	31,499 95

San Pablo and Tulare Railroad	46.00		19,565 21	900,000 00		4,896 00		248 17
Alameda		1.40						4,633 35
Contra Costa		36.10						924 65
San Joaquin		8.50						
								10,702 17
Southern Pacific Railroad	957.02		17,763 74	17,000,000 00		92,480 00		
Fresno		17.43						3,579 17
Kern		153.47						32,877 49
Los Angeles		142.48						32,654 38
Monterey		49.28						9,244 05
San Benito		17.65						2,813 89
San Bernardino		261.47						38,828 99
San Diego		158.85						33,183 52
San Francisco		7.36						1,371 32
San Mateo		25.10						4,485 38
Santa Clara		59.30						6,961 88
Santa Cruz		2.15						498 78
Tulare		62.48						10,610 28
Totals	1,904.60	1,904.60	\$104,943 88	\$44,200,000 00	\$44,200,000 00	\$240,448 00	\$474,915 93	\$715,363 93

In the report of the State Controller for the forty-second and forty-third fiscal years, at page 29, it will be found there is due for taxes for 1885, \$720,703 31. These figures were obtained by Mr. Colgan, State Controller, from Messrs. Langhorne & Miller, but they are erroneous, in that they include the taxes of the North Pacific Coast Railroad, amounting to \$5,339 38. See report of Controller for thirty-sixth and thirty-seventh fiscal years, page 108.

● STATEMENT No. 7—TAXES OF 1886.

Showing Assessed Value of Railroads for the year 1886, and the Amount of Taxes for State and County Purposes Delinquent on Railroads, Assessed by State Board of Equalization for the year 1886.

Names of Railroads and of Counties Through Which They Run.	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value per Mile.	Value of Property Delinquent for Taxes.	Amount Delinquent in Each County.	Amount of Delinquent Tax for State Purposes.	Amount of Delinquent Tax for County Purposes.	Total Amount of Delinquent Taxes.
California Pacific Railroad	112.50		\$17,777 77	\$2,000,000 00		\$11,200 00		
Napa		41.00			\$728,889 00		\$7,742 13	
Sacramento		.50			8,889 00		39 11	
Solano		40.00			711,111 00		5,973 33	
Yolo		31.00			551,111 00		4,031 00	\$28,985 57
Central Pacific Railroad	640.68		31,216 83	20,000,000 00		112,000 00		
Alameda		83.52			2,607,230 00		16,225 34	
Butte		45.00			1,404,758 00		13,154 46	
Fresno		60.13			1,877,068 00		18,582 97	
Merced		36.75			1,147,219 00		14,225 61	
Nevada		30.25			944,309 00		16,430 97	
Placer		102.75			3,519,698 00		34,845 01	
Sacramento		41.00			1,279,890 00		8,035 21	
San Francisco		2.46			76,793 00		776 37	
San Joaquin		56.75			1,771,555 00		7,733 65	
Santa Clara		8.50			265,343 00		1,575 82	
Shasta		58.80			1,836,550 00		31,020 79	
Sierra		2.15			67,116 00		1,436 28	
Stanislaus		22.63			706,437 00		5,449 32	
Sutter		10.00			312,168 00		1,685 70	
Tehama		40.54			1,265,530 00		15,620 77	
Tulare		13.58			423,925 00		4,832 74	
Yuba		15.87			495,411 00		11,417 03	315,048 04
Northern Railway	148.40		18,194 07	2,700,000 00		15,120 00		
Alameda		6.85			124,629 00		687 09	
Colusa		62.81			1,142,770 00		8,984 58	
Contra Costa		23.75			432,109 00		3,135 38	
Solano		16.95			308,390 00		2,590 47	
Tehama		17.29			314,575 00		3,900 73	
Yolo		20.75			377,527 00		2,793 70	37,211 95

San Pablo and Tulare Railroad	46.00	19,564 21	900,000 00	27,392 00	5,040 00	189 00
Alameda		1.40		706,304 00		5,226 65
Contra Costa		36.10		166,304 00		731 73
San Joaquin		8.50				
Southern Pacific Railroad	957.02	17,763 47	17,000,000 00		95,200 00	
Fresno				309,617 00		3,095 20
Kern		17.43		2,726,160 00		32,441 30
Los Angeles		153.47		2,530,940 00		20,940 23
Monterey		142.48		875,384 00		6,915 53
San Benito		49.28		313,525 00		2,608 31
San Bernardino		17.65		4,644,616 00		38,085 85
San Diego		261.47		2,821,728 00		32,167 70
San Francisco		158.85		130,739 00		1,321 77
San Mateo		7.36		445,863 00		4,189 42
Santa Clara		25.10		1,053,374 00		6,443 70
Santa Cruz		59.30		38,192 00		492 68
Tulare		2.15		1,109,862 00		12,632 42
		62.48				
Totals	1,904.60	1,904.60	\$42,600,000 00	\$42,600,000 00	\$238,560 00	\$410,397 05
						256,524 11
						\$648,957 05

On page 29 of the Controller's report for the forty-second and forty-third fiscal years, it is stated that the Southern Pacific System owes State and county taxes for 1886, amounting to \$664,559 18; this should be \$648,957 05, a difference of \$15,602 13, which represents other roads, which I believe have since paid their taxes. See Controller's report for thirty-eighth and thirty-ninth fiscal years, pages 100 to 102. For Southern Pacific System taxes delinquent, see same report, 103 et seq.

STATEMENT No. 8—TAXES OF 1887.

Showing Assessed Value of Railroads for the year 1887, and the Amount of Taxes for State and County Purposes Delinquent on Railroads, Assessed by State Board of Equalization for the same year.

Names of Railroads and of Counties Through Which They Run.	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value per Mile.	Value of Property Delinquent for Taxes.	Amount Delinquent in Each County.	Amount of Delinquent Tax for State Purposes.	Amount of Delinquent Tax for County Purposes.	Total Amount of Delinquent Taxes.
California Pacific Railroad.								
Napa.....	112.50	41.00	\$22,222 22	\$2,500,000 00	\$911,111 00	\$15,200 00	\$9,230 19	
Sacramento.....		.50			11,111 00		43 56	
Solano.....		40.00			888,889 00		7,484 45	
Yolo.....		31.00					5,057 25	\$37,015 45
Central Pacific Railroad.								
Alameda.....	719.50	83.52	25,017 37	18,000,000 00	2,089,451 00	109,440 00	12,762 07	
Butte.....		45.00			1,125,782 00		11,123 73	
Fresno.....		60.13			1,504,295 00		15,725 11	
Merced.....		36.75			919,388 00		10,959 10	
Nevada.....		30.25			756,776 00		12,047 87	
Placer.....		112.75			2,820,709 00		35,083 21	
Sacramento.....		41.00			1,025,712 00		6,428 71	
San Francisco.....		2.46			61,543 00		706 39	
San Joaquin.....		56.75			1,419,736 00		8,306 78	
Santa Clara.....		8.50			212,648 00		1,160 56	
Shasta.....		82.08			2,503,426 00		33,717 25	
Sierra.....		2.15			53,787 00		1,125 22	
Siskiyou.....		55.54			1,389,465 00		13,088 76	
Stanislaus.....		22.63			566,143 00		3,310 24	
Sutter.....		10.00			250,174 00		1,481 03	
Tehama.....		40.54			1,014,204 00		10,540 49	
Tulare.....		13.58			339,736 00		3,370 18	
Yuba.....		15.87			397,025 00		5,414 01	295,740 71
Northern Railway								
Alameda.....	148.40	6.85	20,215 63	3,000,000 00	138,477 00	18,240 00	727 80	
Colusa.....		62.81			1,269,744 00		9,380 26	
Contra Costa.....		23.75			480,121 00		3,495 66	
Solano.....		16.95			342,655 00		2,885 15	
Tehama.....		17.29			349,528 00		3,642 08	
Yolo.....		20.75			419,475 00		3,112 50	41,483 45

San Pablo and Tulare Railroad	46.00	19,565 21	900,000 00	5,472 00	189 55
Alameda		1.40		27,392 00	5,240 78
Contra Costa		36.10		706,304 00	984 52
San Joaquin		8.50		166,304 00	
Southern Pacific Railroad	1,022.33	16,139 60	16,500,000 00	100,320 00	2,959 41
Fresno		17.43		281,313 00	34,479 07
Kern		153.47		2,476,945 00	20,149 03
Los Angeles		142.48		2,299,571 00	13,070 15
Monterey		109.14		1,761,476 00	2,944 11
San Benito		17.65		284,864 00	30,468 56
San Bernardino		261.47		4,220,022 00	25,432 65
San Diego		158.85		2,563,776 00	1,363 45
San Francisco		7.36		118,788 00	934 14
San Luis Obispo		5.45		87,961 00	3,208 42
San Mateo		25.10		405,104 00	5,395 24
Santa Clara		59.30		957,078 00	406 68
Santa Cruz		2.15		34,700 00	10,003 35
Tulare		62.48		1,006,402 00	
					251,134 26
South Pacific Coast Railroad	2,048.73	2,048.73	\$40,900,000 00	\$248,672 00	\$388,588 72
Alameda	45.30		750,000 00	4,560 00	
Santa Clara		6.20		102,649 00	710 33
Santa Cruz		27.40		453,642 00	2,637 88
		11.70		193,709 00	2,270 27
Totals	2,094.03	2,094.03	\$41,650,000 00	\$253,232 00	\$394,207 20
					\$647,439 20

STATEMENT No. 9—TAXES OF 1888.

Showing Assessed Value of Railroads for the year 1888, and the Amount of Taxes for State and County Purposes on Railroads, Assessed by State Board of Equalization for Same Year.

Name of Railroad Assessed, and of Counties Receiving Apportionment.	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value Per Mile.	Total Assessed Valuation.	Value Apportioned to Each County.	Amount of Tax for State Purposes.	Amount of Tax for County Purposes.	Total State and County Taxes.
California Pacific Railroad	112.50			\$2,500,000 00		\$12,600 00		
Napa.....		41.00	\$22,222 22		\$911,111 00		\$8,365 66	
Sacramento.....		.50			11,111 00		55 11	
Solano.....		40.00			888,889 00		7,520 00	
Yolo.....		31.00			688,889 00		5,082 45	*\$33,623 22
Central Pacific Railroad	747.14		20,076 55	15,000,000 00		75,600 00		
Alameda.....		83.52			1,676,794 00		11,147 09	
Butte.....		45.00			903,445 00		7,615 83	
Fresno.....		60.13			1,207,203 00		7,498 46	
Merced.....		36.75			737,813 00		7,348 61	
Nevada.....		30.25			607,316 00		9,692 76	
Placer.....		112.75			2,263,632 00		25,797 60	
Sacramento.....		41.00			823,139 00		6,015 14	
San Francisco.....		2.46			49,388 00		526 96	
San Joaquin.....		56.75			1,139,345 00		6,711 79	
Santa Clara.....		8.50			170,651 00		866 00	
Shasta.....		82.08			1,647,884 00		24,632 34	
Sierra.....		2.15			43,165 00		947 90	
Siskiyou.....		83.18			1,669,968 00		16,632 88	
Stanislaus.....		22.63			454,332 00		2,674 69	
Sutter.....		10.00			200,766 00		995 79	
Tehama.....		40.54			813,904 00		8,084 40	
Tulare.....		13.58			272,640 00		1,624 93	
Yuba.....		15.87			318,615 00		3,879 59	*218,312 76
Northern Railway	148.40		14,993 26	2,225,000 00		11,214 00		
Alameda.....		6.85			102,704 00		595 24	
Colusa.....		62.81			941,727 00		6,523 83	
Contra Costa.....		23.75			356,090 00		2,254 19	
Solano.....		16.95			254,136 00		2,149 99	
Tehama.....		17.29			259,233 00		2,581 96	
Yolo.....		20.75			311,110 00		2,320 88	*27,640 09

San Pablo and Tulare Railroad	46.00	1.40	19,565 21	900,000 00	27,392 00	4,536 00	204 34
Alameda		36.10			706,304 00		4,562 72
Contra Costa		8.50			166,304 00		991 17
San Joaquin							
Southern Pacific Railroad	1,022.33		13,694 20	14,000,000 00	238,690 00	70,560 00	1,494 19
Fresno		17.43			2,101,650 00		21,983 25
Kern		153.47			1,951,151 00		13,262 30
Los Angeles		142.48			1,494,586 00		14,896 07
Monterey		109.14			241,703 00		2,507 67
San Benito		17.65			3,580,625 00		26,670 38
San Bernardino		261.47			2,175,325 00		21,946 23
San Diego		158.85			100,789 00		1,076 41
San Francisco		7.36			74,633 00		691 10
San Luis Obispo		5.45			343,725 00		2,330 70
San Mateo		25.10			812,067 00		4,242 50
Santa Clara		59.30			29,442 00		287 35
Santa Cruz		2.15			855,614 00		5,099 45
Tulare		62.48					
Totals	2,076.37	2,076.37		\$34,625,000 00	\$34,625,000 00	\$174,510 00	\$302,116 90
							*186,756 60
							*\$476,626 90

* Paid December 28, 1888.

STATEMENT No. 10—TAXES OF 1889.

Showing Assessed Value of Railroads for the year 1889, and the Amount of Taxes for State and County Purposes on Railroads, Assessed by State Board of Equalization for Same Year.

	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value per Mile.	Total Assessed Valuation.	Value Appor- tioned to Each County.	Amount of Tax for State Purposes.	Amount of Tax for County Pur- poses.	Total State and County Taxes.
California Pacific Railroad								
Napa	112.50	41.00	\$22,222 22	\$2,500,000 00	\$911,111 00	-----	\$8,606 53	-----
Sacramento	-----	.50	-----	-----	11,111 00	-----	58 66	-----
Solano	-----	40.00	-----	-----	888,889 00	-----	6,966 62	-----
Yolo	-----	31.00	-----	-----	688,889 00	-----	5,312 33	*\$38,994 14
Central Pacific Railroad								
Alameda	746.76	83.14	17,408 53	13,000,000 00	-----	98,860 00	-----	-----
Butte	-----	45.00	-----	-----	1,447,346 00	-----	9,355 85	-----
Fresno	-----	60.13	-----	-----	783,384 00	-----	6,464 65	-----
Merced	-----	36.75	-----	-----	1,046,775 00	-----	8,085 41	-----
Nevada	-----	30.25	-----	-----	639,764 00	-----	6,474 92	-----
Placer	-----	112.75	-----	-----	526,608 00	-----	9,099 78	-----
Sacramento	-----	41.00	-----	-----	1,962,813 00	-----	25,938 20	-----
San Francisco	-----	2.46	-----	-----	713,750 00	-----	5,444 17	-----
San Joaquin	-----	56.75	-----	-----	42,825 00	-----	428 25	-----
Santa Clara	-----	8.50	-----	-----	987,935 00	-----	6,636 78	-----
Shasta	-----	82.08	-----	-----	147,973 00	-----	1,008 82	-----
Sierra	-----	2.15	-----	-----	1,428,893 00	-----	21,693 95	-----
Siskiyou	-----	83.18	-----	-----	37,428 00	-----	777 75	-----
Stanislaus	-----	22.63	-----	-----	1,448,042 00	-----	11,265 76	-----
Sutter	-----	10.00	-----	-----	393,955 00	-----	2,521 49	-----
Tehama	-----	40.54	-----	-----	174,085 00	-----	1,058 43	-----
Tulare	-----	13.58	-----	-----	705,742 00	-----	7,227 17	-----
Yuba	-----	15.87	-----	-----	236,408 00	-----	1,602 84	-----
	-----	-----	-----	-----	276,274 00	-----	3,457 13	*\$22,401 35
Northern Railway								
Alameda	385.25	10.50	9,085 00	3,500,000 00	-----	25,270 00	-----	-----
Amador	-----	8.00	-----	-----	95,393 00	-----	559 82	-----
Calaveras	-----	9.80	-----	-----	72,680 00	-----	783 49	-----
Colusa	-----	79.61	-----	-----	89,033 00	-----	1,093 32	-----
Contra Costa	-----	23.75	-----	-----	723,258 00	-----	4,885 15	-----
El Dorado	-----	30.55	-----	-----	215,769 00	-----	1,438 05	-----
Napa	-----	6.43	-----	-----	277,547 00	-----	4,240 91	-----
	-----	-----	-----	-----	58,417 00	-----	571 31	-----

Sacramento	48.75	10,041 70	15,000,000 00	442,894 00	3,388 96
San Joaquin	29.80	-----	-----	270,733 00	1,835 56
Solano	33.45	-----	-----	303,894 00	2,381 50
Sonoma	30.52	-----	-----	277,274 00	2,003 05
Tehama	17.29	-----	-----	157,080 00	1,614 78
Yolo	56.80	-----	-----	516,028 00	4,014 69
Southern Pacific Railroad	1,493.77	10,041 70	15,000,000 00	108,300 00	*54,080 56
Alameda	1.40	-----	-----	14,058 00	102 34
Calaveras	66	-----	-----	6,628 00	81 39
Contra Costa	36.10	-----	-----	362,506 00	2,457 79
Fresno	84.13	-----	-----	844,809 00	6,572 59
Kern	153.47	-----	-----	1,541,101 00	15,842 51
Los Angeles	193.08	-----	-----	1,938,852 00	20,288 38
Orange	23.78	-----	-----	238,792 00	2,151 72
Monterey	125.70	-----	-----	1,262,243 00	9,820 25
San Benito	17.65	-----	-----	177,236 00	1,894 03
San Bernardino	261.47	-----	-----	2,625,605 00	20,356 07
San Diego	158.85	-----	-----	1,595,125 00	22,778 38
San Francisco	7.36	-----	-----	73,907 00	739 07
San Joaquin	52.11	-----	-----	523,273 00	3,519 59
San Luis Obispo	33.25	-----	-----	333,887 00	2,931 52
San Mateo	25.10	-----	-----	252,047 00	1,534 05
Santa Barbara	27.00	-----	-----	271,126 00	1,860 82
Santa Clara	67.10	-----	-----	673,798 00	4,736 85
Santa Cruz	27.15	-----	-----	272,632 00	3,111 57
Stanislaus	36.36	-----	-----	365,116 00	2,365 95
Tulare	107.55	-----	-----	1,079,986 00	7,302 22
Ventura	54.50	-----	-----	547,273 00	6,133 07
Totals	2,738.28	2,738.28	\$34,000,000 00	\$245,480 00	\$314,876 21
					*244,880 16
					\$500,350 21

* Paid December 30, 1889.

STATEMENT No. 11—TAXES OF 1890.

Showing Assessed Value of Railroads for the year 1890, and the Amount of Taxes for State and County Purposes on Railroads, Assessed by the State Board of Equalization.

	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value per Mile.	Total Assessed Valuation.	Value Appor- tioned to Each County.	Amount of Tax for State Purposes.	Amount of Tax for County Pur- poses.	Total State and County Taxes.
California Pacific Railroad.	112.50			\$2,500,000 00		\$14,500 00		
Napa		41.00			\$911,111 00		\$8,047 67	
Sacramento		50			11,111 00		57 77	
Solano		40.00			888,889 00		6,865 55	
Yolo		31.00			688,889 00		5,666 25	*\$35,037 24
Central Pacific Railroad	746.76			13,000,000 00		75,400 00		
Alameda					1,447,346 00			
Butte		83.14			783,384 00		9,240 07	
Fresno		46.00			1,046,775 00		6,406 34	
Merced		60.13			639,764 00		7,781 17	
Nevada		36.75			526,608 00		5,783 98	
Placer		30.25			1,962,813 00		9,847 56	
Sacramento		112.75			713,750 00		23,719 05	
San Francisco		41.00			42,825 00		5,051 95	
San Joaquin		2.46			987,935 00		441 09	
Santa Clara		56.75			147,973 00		5,272 17	
Shasta		8.50			1,428,893 00		996 99	
Sierra		82.08			37,428 00		25,171 80	
Siskiyou		2.15			1,448,042 00		830 90	
Stanislaus		83.18			393,955 00		13,321 98	
Sutter		22.63			174,085 00		2,902 43	
Tehama		10.00			705,742 00		905 24	
Tulare		40.54			236,408 00		7,172 45	
Yuba		13.58			276,274 00		1,820 34	
		15.87					3,355 92	*205,421 43
Northern Railway	385.25			7,787 15		17,400 00		
Alameda					81,766 00		473 31	
Amador		10.50			62,297 00		728 87	
Calaveras		8.00			76,314 00		931 03	
Colusa		9.80			619,935 00		3,822 41	
Contra Costa		79.61			184,945 00		1,301 42	
El Dorado		23.75			237,897 00		3,616 03	
Napa		30.55			50,072 00		460 66	
		6.43						

Sacramento	48.75	9,852 21	15,000,000 00	379,623 00	2,694 33
San Joaquin	29.80	-----	-----	232,057 00	1,253 10
Solano	33.45	-----	-----	290,481 00	2,016 91
Sonoma	30.52	-----	-----	237,663 00	1,580 38
Tehama	17.29	-----	-----	134,640 00	1,373 32
Yolo	56.80	-----	-----	442,310 00	3,626 94
Southern Pacific Railroad	1,522.50	9,852 21	15,000,000 00	87,000 00	*41,278 71
Alameda	1.40	-----	-----	13,793 00	99 30
Calaveras	.66	-----	-----	6,502 00	79 32
Contra Costa	36.10	-----	-----	355,665 00	2,560 78
Fresno	84.13	-----	-----	828,867 00	6,211 57
Kern	153.47	-----	-----	1,512,020 00	13,910 58
Los Angeles	195.98	-----	-----	1,930,837 00	17,125 27
Merced	21.22	-----	-----	209,064 00	1,923 38
Monterey	130.13	-----	-----	1,282,069 00	15,000 20
Orange	23.78	-----	-----	234,286 00	2,009 49
San Benito	17.65	-----	-----	173,891 00	1,754 47
San Bernardino	361.47	-----	-----	2,576,059 00	26,133 67
San Diego	158.85	-----	-----	1,565,025 00	17,841 28
San Francisco	7.36	-----	-----	72,512 00	746 87
San Joaquin	52.11	-----	-----	513,399 00	2,754 62
San Luis Obispo	33.25	-----	-----	327,583 00	2,744 08
San Mateo	25.10	-----	-----	247,291 00	1,832 80
Santa Barbara	27.00	-----	-----	203,010 00	2,154 50
Santa Clara	67.10	-----	-----	661,084 00	4,594 58
Santa Cruz	27.15	-----	-----	267,488 00	3,298 97
Stanislaus	36.54	-----	-----	360,009 00	2,700 00
Tulare	107.55	-----	-----	1,059,606 00	8,156 00
Ventura	54.50	-----	-----	536,946 00	5,168 96
Totals	2,766.96	2,766.96	\$33,500,000 00	\$33,500,000 00	\$313,918 07
* Paid December 29, 1890.					\$508,218 07

STATEMENT No. 12—TAXES OF 1891.

Showing Assessed Value of Railroads for the year 1891, and the Amount of Taxes for State and County Purposes on Railroads, Assessed by the State Board of Equalization for Same Year.

Names of Railroads Assessed and of Counties Receiving Apportionment.	Number of Miles of Each Railroad Operated in the State.	Number of Miles of Each Railroad in Each County.	Assessed Value per Mile.	Total Assessed Valuation.	Value Apportioned to Each County.	Amount of Tax for State Purposes.	Amount of Tax for County Purposes.	Total State and County Taxes.	First Installment Paid.	Second Installment Paid.
California Pacific R. R.	112.50		\$22,222 22	\$2,500,000		\$11,150 00				
Napa	---	41.00	---	---	\$911,111	---	7,937 30	---	---	---
Sacramento	---	.50	---	---	11,111	---	61 55	---	---	---
Solano	---	40.00	---	---	888,889	---	8,025 33	\$31,791 52	Nov. 28, '91	Apr. 25, '92
Yolo	---	31.00	---	---	688,889	---	4,617 34	---	---	---
Central Pacific Railroad.	746.76		17,408 53	13,000,000		57,980 00				
Alameda	---	83.14	---	---	1,447,346	---	9,008 49	---	---	---
Butte	---	45.00	---	---	783,384	---	7,843 41	---	---	---
Fresno	---	61.06	---	---	1,062,965	---	8,459 19	---	---	---
Merced	---	36.75	---	---	639,764	---	5,981 49	---	---	---
Nevada	---	30.25	---	---	526,608	---	10,026 62	---	---	---
Placer	---	112.75	---	---	1,962,813	---	22,436 39	---	---	---
Sacramento	---	41.00	---	---	713,750	---	5,294 63	---	---	---
San Francisco	---	2.46	---	---	42,825	---	441 10	---	---	---
San Joaquin	---	56.75	---	---	987,935	---	5,403 53	---	---	---
Santa Clara	---	8.50	---	---	147,973	---	1,047 30	---	---	---
Shasta	---	82.08	---	---	1,428,893	---	25,657 63	---	---	---
Sierra	---	2.15	---	---	37,428	---	862 34	---	---	---
Siskiyou	---	83.18	---	---	1,448,042	---	15,262 36	---	---	---
Stanislaus	---	22.63	---	---	393,955	---	3,430 34	---	---	---
Sutter	---	10.00	---	---	174,085	---	1,486 69	---	---	---
Tehama	---	40.54	---	---	705,742	---	7,408 93	---	---	---
Tulare	---	12.65	---	---	220,218	---	2,045 83	---	---	---
Yuba	---	15.87	---	---	276,274	---	3,508 61	193,584 88	Nov. 28, '91	Apr. 25, '92
Northern Railway.	385.25		7,787 15	3,000,000		13,380 00				
Alameda	---	10.50	---	---	81,766	---	430 56	---	---	---
Amador	---	8.00	---	---	62,297	---	843 50	---	---	---
Calaveras	---	9.80	---	---	76,314	---	995 13	---	---	---
Colusa	---	33.91	---	---	284,063	---	2,519 16	---	---	---
Contra Costa	---	23.75	---	---	184,945	---	1,545 70	---	---	---

El Dorado.....	30.55	237,897	69,130 00	3,315 87	
Glenn.....	45.70	355,872	13,113	3,386 84	
Napa.....	6.43	50,072	6,182	452 65	
Sacramento.....	48.75	379,623	338,123	2,823 42	
San Joaquin.....	29.80	232,057	1,245,717	1,285 60	
Solano.....	33.45	260,481	1,562,953	2,357 78	
Sonoma.....	30.52	237,663	1,835,606	1,659 86	
Tehama.....	17.29	134,640	491,733	1,419 11	
Yolo.....	56.80	442,310	1,217,899	3,003 28	
Southern Pacific R. R.....	1,654.87	9,366 29	15,500,000	39,918 46	Nov. 28, '91
Alameda.....	1.40	13,113	69,130 00	3,003 28	
Calaveras.....	.66	6,182	13,113	92 32	
Contra Costa.....	36.10	338,123	6,182	80 61	
Fresno.....	133.00	1,245,717	338,123	2,887 57	
Kern.....	166.87	1,562,953	1,245,717	10,069 71	
Los Angeles.....	195.98	1,835,606	1,562,953	15,692 05	
Merced.....	52.50	491,733	1,835,606	15,122 52	
Monterey.....	130.03	1,217,899	491,733	4,625 57	
Orange.....	23.78	222,730	1,217,899	12,836 66	
San Benito.....	17.65	165,315	222,730	1,945 34	
San Bernardino.....	261.47	2,449,004	165,315	1,888 06	
San Diego.....	158.85	1,487,835	2,449,004	37,958 00	
San Francisco.....	7.36	68,936	1,487,835	18,657 45	
San Joaquin.....	52.11	488,078	68,936	710 04	
San Luis Obispo.....	33.25	311,429	488,078	2,685 22	
San Mateo.....	25.10	235,094	311,429	2,595 21	
Santa Barbara.....	27.00	252,890	235,094	1,705 18	
Santa Clara.....	67.10	628,478	252,890	2,272 07	
Santa Cruz.....	27.15	254,295	628,478	4,581 65	
Stanislaus.....	66.86	532,569	254,295	2,968 40	
Tulare.....	126.15	1,181,558	532,569	4,707 91	
Ventura.....	54.50	510,463	1,181,558	10,869 68	
Totals.....	2,899.38	2,869.38	\$34,000,000	229,138 80	Nov. 28, '91
			\$151,640 00	5,087 58	
			\$34,000,000	\$342,793 66	
			\$34,000,000	\$494,433 66	

Apr. 25, '92

STATEMENT No. 13—TAXES OF 1892.

Showing Assessed Value of Railroads for the Year 1892, and the Amount of Tax for State and County Purposes on Railroads, Assessed by the State Board of Equalization for Same Year.

Names of Railroads and of Counties Through Which They Run.	Number of Miles Operated.	Number of Miles in Each County.	Total Value per Mile.	Total Assessment.	Amount Apportioned to Each County.	Amount Due of State Taxes.	Total Amount of Tax Due Each County.	* First Installment.	Second Installment.	Total Assessment.
California Pacific R.R. Co.	112.50									
Napa.....		41.00	\$17,777 77	\$2,000,000	\$728,889	\$8,680 00	\$6,102 86	\$4,340 00	\$4,340 00	
Sacramento.....		.50			8,880		68 08	3,051 43	3,051 43	
Solano.....		40.00			711,711		5,321 80	2,660 90	2,660 90	
Yolo.....		31.00			551,111		3,623 18	1,811 59	1,811 59	\$23,795 92
Central Pacific Railroad	746.76									
Alameda.....		83.14	17,408 53	13,000,000	1,447,346	\$56,420 00	8,458 50	28,210 00	28,210 00	
Butte.....		45.00			783,384		7,545 72	4,229 25	4,229 25	
Fresno.....		61.06			1,062,995		8,374 16	3,772 86	3,772 86	
Merced.....		36.75			639,764		5,738 38	4,187 08	4,187 08	
Nevada.....		30.25			526,608		10,616 42	2,869 19	2,869 19	
Placer.....		112.75			1,962,813		24,648 14	5,308 21	5,308 21	
Sacramento.....		41.00			713,750		6,807 78	12,324 07	12,324 07	
San Francisco.....		2.46			42,825		214 13	3,403 89	3,403 89	
San Joaquin.....		56.75			987,935		6,023 00	214 13	214 13	
Santa Clara.....		8.50			147,973		991 08	3,011 50	3,011 50	
Shasta.....		82.08			1,428,893		21,562 34	495 54	495 54	
Sierra.....		2.15			37,428		866 84	10,781 17	10,781 17	
Siskiyou.....		83.18			1,448,042		15,436 12	433 42	433 42	
Stanislaus.....		22.63			393,955		7,718 06	7,718 06	7,718 06	
Sutter.....		10.00			174,085		1,782 12	1,782 12	1,782 12	
Tehama.....		40.54			705,742		985 32	492 66	492 66	
Tulare.....		12.65			220,218		7,140 74	3,570 37	3,570 37	
Yuba.....		15.87			276,274		2,127 30	1,063 65	1,063 65	
							3,675 98	1,837 99	1,837 99	191,410 32
Northwestern Railway	385.25									
Alameda.....		10.50	8,000 00	3,082,000	84,000	13,375 88	397 68	6,687 94	6,687 94	
Amador.....		8.00			64,000		1,002 24	198 84	198 84	
Calaveras.....		9.80			78,400		1,031 74	501 12	501 12	
Colusa.....		33.91			271,280		2,078 00	515 87	515 87	
Contra Costa.....		23.75			190,000		1,426 22	1,039 00	1,039 00	
El Dorado.....		30.55			244,400		713 11	713 11	713 11	
Glenn.....		45.70			365,600		3,827 30	1,913 65	1,913 65	
							3,342 66	1,671 33	1,671 33	

Napa	6.43	9,286.47	15,800,000	51,440	445 48	222 74	222 74
Sacramento	48.75			380,000	3,727 40	1,863 70	1,863 70
San Joaquin	20.80			238,400	1,468 54	734 27	734 27
Solano	33.45			267,600	1,991 22	995 61	995 61
Sonoma	30.52			244,160	1,491 74	745 87	745 87
Tehama	17.29			138,320	1,405 34	702 67	702 67
Yolo	56.80			454,400	3,026 30	1,513 15	1,513 15
Southern Pacific Railroad	1,701.40	9,286.47	15,800,000			34,286 00	34,286 00
Alameda	1.40			13,001	86 58	43 29	43 29
Calaveras	.66			6,129	80 66	40 33	40 33
Contra Costa	56.30			522,828	4,004 86	2,002 43	2,002 43
Fresno	154.83			1,437,824	11,445 08	5,722 54	5,722 54
Kern	166.87			1,549,653	15,744 28	7,872 14	7,872 14
Los Angeles	195.98			1,819,963	18,033 46	9,016 73	9,016 73
Merced	52.50			487,540	4,438 00	2,219 00	2,219 00
Monterey	130.03			1,207,520	9,853 36	4,926 68	4,926 68
Orange	23.78			220,832	1,833 20	916 60	916 60
San Benito	17.65			163,906	1,811 08	905 54	905 54
San Bernardino	261.47			2,428,133	28,257 34	14,128 67	14,128 67
San Diego	158.85			1,475,156	14,545 04	7,272 52	7,272 52
San Francisco	7.36			68,350	683 50	341 75	341 75
San Joaquin	52.11			483,918	2,964 22	1,482 11	1,482 11
San Luis Obispo	33.25			308,775	2,455 76	1,227 88	1,227 88
San Mateo	25.10			233,090	1,612 10	806 05	806 05
Santa Barbara	27.00			250,735	2,282 80	1,141 40	1,141 40
Santa Clara	67.10			623,122	4,305 82	2,152 91	2,152 91
Santa Cruz	27.15			252,127	2,847 32	1,423 66	1,423 66
Stanislaus	56.86			528,028	4,836 74	2,418 37	2,418 37
Tulare	130.65			1,213,277	11,645 04	5,822 52	5,822 52
Ventura	54.50			506,113	6,117 18	3,058 59	3,058 59
Totals	2,945.91		\$33,882,000	\$33,882,000	\$326,651 52	\$236,849 70	\$473,690 40

\$218,455 42

* First installment paid.





